(d) REQUIREMENT FOR RETURN TO WORK NOTIFICATION AND REPORTING.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by adding at the end the following new paragraph:

''(3) Beginning 30 days after the date of enactment of this paragraph, any agreement under this section shall require that the State has in place a process to address refusal to return to work or refusal of suitable work that includes the following:

''(A) Providing a plain-language notice to individuals at the time of applying for benefits regarding State law provisions relating to each of the following:

''(i) Return to work requirements.

''(ii) Rights to refuse to return to work or to refuse suitable work.

''(iii) How to contest the denial of a claim that has been denied due to a claim by an employer that the individual refused to return to work or refused suitable work.

''(B) Providing a plain-language notice to employers through any system used by employers or any regular correspondence sent to employers regarding how to notify the State if an individual refuses to return to work.

''(C) Other items determined appropriate by the Secretary of Labor.''.

(e) EFFECTIVE DATE.—The amendments made by this section (other than the amendment made by subsection (d)) shall take effect as if included in the enactment of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)).

SEC. 3. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The amounts provided by this Act and the amendments made by this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this Act and the amendments made by this Act are designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SA 2560. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 3. FUNDING LIMITATIONS.

(a) PROHIBITION.—None of the funds appropriated under this Act or under the CARES Act (Public Law 116–136), as amended by this Act, may be provided to an entity that is under the foreign ownership, control, or influence of—

(1) the Government of the People's Republic of China;

(2) the Chinese Communist Party; or

(3) an entity domiciled in the People's Republic of China.

(b) CLAWBACK.—The Secretary of the Treasury, in consultation with the Secretary of State, shall recover all of the amounts appropriated under this Act or under the CARES Act that were provided to entities described in subsection (a).

SA 2561. Mrs. CAPITO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COVERAGE OF PRESCRIPTION DIGITAL THERAPEUTICS UNDER THE MEDICARE PROGRAM.

(a) COVERAGE AS MEDICAL AND OTHER HEALTH SERVICE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (GG), by striking ''and'' at the end;

(2) in subparagraph (HH), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(II) prescription digital therapeutics as defined in subsection (kkk);''.

(b) PRESCRIPTION DIGITAL THERAPEUTICS DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end thereof the following new subsection:

''(kkk) PRESCRIPTION DIGITAL THERAPEUTICS DEFINED.—

''(1) IN GENERAL.—The term 'prescription digital therapeutic' means a product, device, internet application, or other technology that—

''(A) is approved or cleared by the Food and Drug Administration under a relevant authority (within the meaning of paragraph (2));

''(B) has an approved indication for the prevention, management, or treatment of a mental health or substance use disorder, including opioid use disorder;

''(C) uses behavioral treatment or modification to achieve its intended result; and

''(D) can only be dispensed pursuant to a prescription.

''(2) RELEVANT AUTHORITY DEFINED.—For purposes of paragraph (1), the term 'relevant authority' means the following sections of the Federal Food, Drug, and Cosmetic Act:

''(A) Section 510(k) of such Act (21 U.S.C. 360(k)).

''(B) Section 515 of such Act (21 U.S.C. 360e).''.

(c) PAYMENT FOR PRESCRIPTION DIGITAL THERAPEUTICS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(x) PAYMENT FOR PRESCRIPTION DIGITAL THERAPEUTICS.—

''(1) SEPARATE PAYMENT.—The Secretary shall make a payment (separate from any payment that may otherwise be made under this title for a related service) in the amount established pursuant to paragraph (3) for a prescription digital therapeutic (as defined in section 1861(kkk)) that is furnished on or after January 1, 2021.

''(2) PAYMENT RECIPIENT.—Payment under this subsection shall be made to any provider of services or supplier enrolled under this title that—

''(A) prescribes a prescription digital therapeutic (as defined in such subsection);

''(B) uses such prescription digital therapeutic as an integral part of a treatment for a related service; and

''(C) agrees to accept, as payment in full, after the application of any deductible or coinsurance that may be applied under this part, the amount established pursuant to paragraph (3).

''(3) ESTABLISHMENT OF PAYMENT AMOUNT.—

''(A) IN GENERAL.—The Secretary shall establish a payment methodology for a prescription digital therapeutic only in accordance with the requirements of this paragraph.

''(B) DEVELOPMENT OF FEE SCHEDULE.—Within 180 days of the approval or clearance described in section 1861(kkk)(1)(A), the Secretary shall develop a proposed fee schedule for each prescription digital therapeutic so approved or cleared. In developing such fee schedule, the Secretary may use the gap filling process described on 84 Federal Register 60729 through 60742 and published on November 8, 2019.

''(C) NOTICE AND COMMENT REQUIRED.—Upon the development of the proposed fee schedule described in subparagraph (B), the Secretary shall publish in the Federal Register such proposed fee schedule. Section 1871 shall apply to any proposed fee scheduled published pursuant to this subparagraph.

''(4) RULE OF CONSTRUCTION.—For purposes of paragraph (1), a service is 'related' to the use of a prescription digital therapeutic if the service—

''(A) is an integral part of the use of the prescription digital therapeutic;

''(B) is necessary to achieve the full intended result of the prescription digital therapeutic; and

''(C) must, pursuant to the approval or clearance described in section 1861(kkk)(1)(A), be adjunctive to the use of the prescription digital therapeutic.''.

(d) RULE OF CONSTRUCTION; EFFECTIVE DATE.—

(1) RULE OF CONSTRUCTION.—No provision of this section, or the enactment of this section, shall be construed to imply that, in the case of an item or service that meets the definition of a prescription digital therapeutic under this section for which coverage or payment under the Medicare program is already available prior to the date of the enactment of this Act may not be covered or reimbursed under such program.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to a prescription digital therapeutic dispensed after December 31, 2020.

SEC. ___. COVERAGE OF PRESCRIPTION DIGITAL THERAPEUTICS UNDER THE MEDICAID PROGRAM.

Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (29), by striking ''; and'' and inserting a semicolon;

(2) by redesignating paragraph (30) as paragraph (31); and

(3) by inserting the following paragraph after paragraph (29):

''(30) prescription digital therapeutics (as defined in section 1861(kkk)); and''.

SA 2562. Mrs. CAPITO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ACCESS TO NON-OPIOID TREATMENTS FOR PAIN.

(a) IN GENERAL.—Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) is amended—