

carryback adjustment of tax attributable to the carryback of any unused investment credit shall not expire before the close of December 31, 1966.”

PLAN AMENDMENTS NOT REQUIRED UNTIL
JANUARY 1, 1989

For provisions directing that if any amendments made by subtitle A or subtitle C of title XI [§§1101-1147 and 1171-1177] or title XVIII [§§1800-1899A] of Pub. L. 99-514 require an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after Jan. 1, 1989, see section 1140 of Pub. L. 99-514, as amended, set out as a note under section 401 of this title.

§ 6412. Floor stocks refunds

(a) In general

(1) Tires and taxable fuel

Where before October 1, 2022, any article subject to the tax imposed by section 4071 or 4081 has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the amount of tax made applicable to such article on and after October 1, 2022, if claim for such credit or refund is filed with the Secretary on or before March 31, 2023, based upon a request submitted to the manufacturer, producer, or importer before January 1, 2023, by the dealer who held the article in respect of which the credit or refund is claimed, and, on or before March 31, 2023, reimbursement has been made to such dealer by such manufacturer, producer, or importer for the tax reduction on such article or written consent has been obtained from such dealer to allowance of such credit or refund. No credit or refund shall be allowable under this paragraph with respect to taxable fuel in retail stocks held at the place where intended to be sold at retail, nor with respect to taxable fuel held for sale by a producer or importer of taxable fuel.

(2) Definitions

For purposes of this section—

(A) The term “dealer” includes a wholesaler, jobber, distributor, or retailer.

(B) An article shall be considered as “held by a dealer” if title thereto has passed to such dealer (whether or not delivery to him has been made), and if for purposes of consumption title to such article or possession thereof has not at any time been transferred to any person other than a dealer.

(b) Limitation on eligibility for credit or refund

No manufacturer, producer, or importer shall be entitled to credit or refund under subsection (a) unless he has in his possession such evidence of the inventories with respect to which the credit or refund is claimed as may be required by regulations prescribed under this section.

(c) Other laws applicable

All provisions of law, including penalties, applicable in respect of the taxes imposed by sections 4071 and 4081 shall, insofar as applicable

and not inconsistent with subsections (a) and (b) of this section, apply in respect of the credits and refunds provided for in subsection (a) to the same extent as if such credits or refunds constituted overpayments of such taxes.

(Aug. 16, 1954, ch. 736, 68A Stat. 795; Mar. 30, 1955, ch. 18, §3(b)(4), 69 Stat. 15; Mar. 29, 1956, ch. 115, §3(b)(4), 70 Stat. 67; May 29, 1956, ch. 342, §19, 70 Stat. 221; June 29, 1956, ch. 462, title II, §208(a), 70 Stat. 392; Pub. L. 85-12, §3(b)(4), Mar. 29, 1957, 71 Stat. 10; Pub. L. 85-475, §3(b)(4), June 30, 1958, 72 Stat. 260; Pub. L. 85-859, title I, §162(a), Sept. 2, 1958, 72 Stat. 1306; Pub. L. 86-75, §3(b)(3), June 30, 1959, 73 Stat. 158; Pub. L. 86-342, title II, §201(c)(4), Sept. 21, 1959, 73 Stat. 614; Pub. L. 86-564, title II, §202(b)(3), June 30, 1960, 74 Stat. 291; Pub. L. 86-592, §2, July 6, 1960, 74 Stat. 330; Pub. L. 87-15, §2(b), Mar. 31, 1961, 75 Stat. 40; Pub. L. 87-61, title II, §206 (c), (d), June 29, 1961, 75 Stat. 127; Pub. L. 87-72, §3(b)(3), June 30, 1961, 75 Stat. 193; Pub. L. 87-456, title III, §302(d), May 24, 1962, 76 Stat. 77; Pub. L. 87-508, §3(b)(3), June 28, 1962, 76 Stat. 114; Pub. L. 87-535, §18(b), July 13, 1962, 76 Stat. 166; Pub. L. 88-52, §3(b)(1)(C), June 29, 1963, 77 Stat. 72; Pub. L. 88-348, §2(b)(1)(C), June 30, 1964, 78 Stat. 237; Pub. L. 89-44, title II, §209(a), (d), June 21, 1965, 79 Stat. 141, 144; Pub. L. 89-368, title II, §201(b), Mar. 15, 1966, 80 Stat. 66; Pub. L. 90-285, §1(a)(2), Apr. 12, 1968, 82 Stat. 92; Pub. L. 90-364, title I, §105(a)(2), June 28, 1968, 82 Stat. 265; Pub. L. 91-172, title VII, §702(a)(2), Dec. 30, 1969, 83 Stat. 660; Pub. L. 91-605, title III, §303(b), Dec. 31, 1970, 84 Stat. 1744; Pub. L. 91-614, title II, §201(a)(2), Dec. 31, 1970, 84 Stat. 1843; Pub. L. 92-178, title IV, §401(g)(5), Dec. 10, 1971, 85 Stat. 533; Pub. L. 94-280, title III, §303(b), May 5, 1976, 90 Stat. 457; Pub. L. 94-455, title XIX, §1906(a)(22), (b)(13)(A), Oct. 4, 1976, 90 Stat. 1826, 1834; Pub. L. 95-599, title V, §502(c), Nov. 6, 1978, 92 Stat. 2757; Pub. L. 95-618, title II, §231(f)(1), Nov. 9, 1978, 92 Stat. 3189; Pub. L. 97-424, title V, §516(a)(5), Jan. 6, 1983, 96 Stat. 2183; Pub. L. 98-369, div. A, title VII, §735(c)(12), July 18, 1984, 98 Stat. 983; Pub. L. 100-17, title V, §502(d)(1), Apr. 2, 1987, 101 Stat. 257; Pub. L. 101-508, title XI, §11211(f)(1), Nov. 5, 1990, 104 Stat. 1388-427; Pub. L. 102-240, title VIII, §8002(c)(1), Dec. 18, 1991, 105 Stat. 2203; Pub. L. 103-66, title XIII, §13242(d)(16), Aug. 10, 1993, 107 Stat. 524; Pub. L. 105-178, title IX, §9002(a)(2)(A), June 9, 1998, 112 Stat. 499; Pub. L. 109-59, title XI, §11101(a)(3), Aug. 10, 2005, 119 Stat. 1944; Pub. L. 112-30, title I, §142(c), Sept. 16, 2011, 125 Stat. 356; Pub. L. 112-102, title IV, §402(c), Mar. 30, 2012, 126 Stat. 282; Pub. L. 112-140, title IV, §402(b), June 29, 2012, 126 Stat. 402; Pub. L. 112-141, div. D, title I, §40102(c), July 6, 2012, 126 Stat. 845; Pub. L. 114-94, div. C, title XXXI, §31102(c), Dec. 4, 2015, 129 Stat. 1727.)

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-94 substituted “October 1, 2022” for “October 1, 2016” in two places and “March 31, 2023” for “March 31, 2017” in two places and substituted “January 1, 2023” for “January 1, 2017”.

2012—Subsec. (a)(1). Pub. L. 112-141 substituted in two places “October 1, 2016” for “July 1, 2012” and “March 31, 2017” for “December 31, 2012” and substituted “January 1, 2017” for “October 1, 2012”.

Pub. L. 112-140, §1(c), 402(b), temporarily substituted in two places “July 7, 2012” for “July 1, 2012” and “January 6, 2013” for “December 31, 2012” and temporarily

substituted “October 7, 2012” for “October 1, 2012”. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102 substituted in two places “July 1, 2012” for “April 1, 2012” and “December 31, 2012” for “September 30, 2012” and substituted “October 1, 2012” for “July 1, 2012”.

2011—Subsec. (a)(1). Pub. L. 112-30 substituted in two places “April 1, 2012” for “October 1, 2011” and “September 30, 2012” for “March 31, 2012” and substituted “July 1, 2012” for “January 1, 2012”.

2005—Subsec. (a)(1). Pub. L. 109-59 substituted “2011” for “2005” and “2012” for “2006” wherever appearing.

1998—Subsec. (a)(1). Pub. L. 105-178 substituted “2005” for “1999” and “2006” for “2000” wherever appearing.

1993—Subsec. (a)(1). Pub. L. 103-66 substituted “taxable fuel” for “gasoline” wherever appearing in heading and text.

1991—Subsec. (a)(1). Pub. L. 102-240 substituted “1999” for “1995” and “2000” for “1996” wherever appearing.

1990—Subsec. (a)(1). Pub. L. 101-508 substituted “1995” for “1993” and “1996” for “1994” wherever appearing.

1987—Subsec. (a)(1). Pub. L. 100-17 substituted “1993” for “1988” and “1994” for “1989” wherever appearing.

1984—Subsec. (a)(1). Pub. L. 98-369, § 735(c)(12)(A), (B), substituted “Tires and gasoline” for “Trucks, tires, tubes, tread rubber, and gasoline” in heading, and in text substituted “Where before October 1, 1988, any article subject to the tax imposed by section 4071 or 4081 has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale,” for “Where before October 1, 1988, any article subject to the tax imposed by section 4061(a)(1), 4071(a)(1), (3) or (4), or 4081 has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale (or, in the case of tread rubber, is intended for sale or is held for use),” and struck out provision that no credit or refund shall be allowable under this paragraph with respect to inner tubes for bicycle tires (as defined in section 4221(e)(4)(B)).

Subsec. (a)(2)(A). Pub. L. 98-369, § 735(c)(12)(C), substituted “The term ‘dealer’ includes a wholesaler, jobber, distributor, or retailer” for “The term ‘dealer’ includes a wholesaler, jobber, distributor, or retailer, or, in the case of tread rubber subject to tax under section 4071(a)(4), includes any person (other than the manufacturer, producer, or importer thereof) who holds such tread rubber for sale or use”.

Subsec. (c). Pub. L. 98-369, § 735(c)(12)(D), substituted “4071” for “4061, 4071”.

1983—Subsec. (a)(1). Pub. L. 97-424, § 516(a)(5), substituted “1989” for “1985” and “1988” for “1984” wherever appearing.

1978—Subsec. (a)(1). Pub. L. 95-618 struck out “and buses” after “Trucks” in heading.

Pub. L. 95-599 substituted “1984” for “1979” and “1985” for “1980” wherever appearing.

1976—Subsec. (a)(1). Pub. L. 94-455, § 1906(a)(22), (b)(13)(A), redesignated par. (2) as (1) and struck out “or his delegate” after “Secretary”. Prior par. (1) had been repealed by Pub. L. 92-178, title IV, § 401(g)(5), Dec. 10, 1971, 85 Stat. 533.

Subsec. (a)(2). Pub. L. 94-455, § 1906(a)(22), redesignated par. (4) as (2). Former par. (2) redesignated (1).

Pub. L. 94-280 substituted “1979” for “1977” in two places and “1980” for “1978” in three places, respectively.

Subsec. (a)(4). Pub. L. 94-455, § 1906(a)(22), redesignated par. (4) as (2).

1971—Subsec. (a)(1). Pub. L. 92-178 struck out par. (1) which related to general rule for floor stocks refunds on passenger automobiles, etc.

1970—Subsec. (a)(1). Pub. L. 91-614 substituted “January 1 of 1973, 1974, 1978, 1979, 1980, 1981, or 1982” for “January 1, 1971, January 1, 1972, January 1, 1973, or January 1, 1974”.

Subsec. (a)(2). Pub. L. 91-605 substituted in two places “1977” for “1972” and “March 31, 1978” for “February 10,

1973”, and substituted “January 1, 1978” for “January 1, 1973”.

1969—Subsec. (a)(1). Pub. L. 91-172 struck out reference to Jan. 1, 1970, and inserted reference to Jan. 1, 1974.

1968—Subsec. (a)(1). Pub. L. 90-364 substituted “January 1, 1970, January 1, 1971, January 1, 1972, or January 1, 1973,” for “May 1, 1968, or January 1, 1969.”

Pub. L. 90-285 substituted “May 1, 1968” for “April 1, 1968”.

1966—Subsec. (a)(1). Pub. L. 89-368 substituted “January 1, 1966, April 1, 1968, or January 1, 1969,” for “January 1, 1966, 1967, 1968, or 1969.”

1965—Subsec. (a)(1). Pub. L. 89-44, § 209(a), made floor stock refunds available with respect to passenger cars in dealers’ inventories on the various reduction dates for the passenger car tax and required claims for credit or refund to be filed on or before the 10th day of the 8th calendar month beginning after the date of the tax reduction.

Subsec. (e). Pub. L. 89-44, § 209(d), repealed subsec. (e) which related to cross reference.

1964—Subsec. (a)(1). Pub. L. 88-348 substituted “July 1, 1965” for “July 1, 1964” in two places, “October 1, 1965” for “October 1, 1964”, and “November 10, 1965” for “November 10, 1964” in two places.

1963—Subsec. (a)(1). Pub. L. 88-52 substituted “July 1, 1964” for “July 1, 1963”, in two places, “October 1, 1964” for “October 1, 1963”, and “November 10, 1964” for “November 10, 1963” in two places.

1962—Subsec. (a)(1). Pub. L. 87-508 substituted “July 1, 1963” for “July 1, 1962” in two places, “October 1, 1963” for “October 1, 1962”, and “November 10, 1963” for “November 10, 1962” in two places.

Subsec. (d). Pub. L. 87-456 repealed subsec. (d) which related to floor stock refunds with respect to any sugar or articles composed in chief value of sugar.

Pub. L. 87-535 substituted “June 30, 1967” for “December 31, 1962” after “paid and which, on”, and “September 30, 1967” for “March 31, 1963” after “delegate on or before”.

1961—Subsec. (a)(1). Pub. L. 87-72 substituted “July 1, 1962” for “July 1, 1961” in two places, “October 1, 1962” for “October 1, 1961”, and “November 10, 1962” for “November 10, 1961” in two places.

Subsec. (a)(2). Pub. L. 87-61, § 206(c), inserted tubes in heading, authorized credit or refund for articles subject to the tax imposed by section 4071(a)(3), prohibited credit or refund with respect to inner tubes for bicycle tires, and substituted “October 1, 1972” for “July 1, 1972” in two places, “February 10, 1973” for “November 10, 1972” in two places, and “January 1, 1973” for “October 1, 1972”.

Subsec. (a)(3). Pub. L. 87-61, § 206(d), repealed par. (3) which related to 1961 floor stocks refund on gasoline.

Subsec. (d). Pub. L. 87-15 substituted “December 31, 1962” for “September 30, 1961” after “paid and which, on”, and “March 31, 1963” for “September 30, 1961” after “delegate on or before”.

1960—Subsec. (a)(1). Pub. L. 86-564 substituted “July 1, 1961” for “July 1, 1960” in two places, “October 1, 1961” for “October 1, 1960”, and “November 10, 1961” for “November 10, 1960” in two places.

Subsec. (d). Pub. L. 86-592 substituted “September 30, 1961” for “June 30, 1961” after “and which, on”.

1959—Subsec. (a)(1). Pub. L. 86-75 substituted “July 1, 1960” for “July 1, 1959” in two places, “October 1, 1960” for “October 1, 1959” and “November 10, 1960” for “November 10, 1959” in two places.

Subsec. (a)(3), (4). Pub. L. 86-342 added par. (3) and redesignated former par. (3) as (4).

1958—Subsec. (a)(1). Pub. L. 85-475 substituted “July 1, 1959” for “July 1, 1958” in two places, “October 1, 1959” for “October 1, 1958”, and “November 10, 1959” for “November 10, 1958” in two places.

Subsec. (d). Pub. L. 85-859 required filing of claims for refund on or before Sept. 30, 1961.

1957—Subsec. (a)(1). Pub. L. 85-12, substituted “July 1, 1958” for “April 1, 1957” in two places, “October 1, 1958” for “July 1, 1957”, and “November 10, 1958” for “August 10, 1957” in two places.

1956—Subsec. (a). Act June 29, 1956, in par. (1), substituted “April 1, 1957” for “April 1, 1956” in two places, “section 4061(a)(2)” for “section 4061 (a) or (b)”, and inserted provisions requiring claims for refund to be made on or before August 10, 1957, inserted provisions relating to trucks and buses, tires, tread rubber, and gasoline as par. (2), defined “dealer” in the case of tread rubber subject to tax under section 4071(a)(4) of this title in par. (3), and struck out pars. (4) and (5). Former par. (4), which related to reimbursement of dealers, was covered generally by pars. (1) and (2). Former par. (5) was covered by subsec. (b).

Act Mar. 29, 1956, substituted “April 1, 1957” for “April 1, 1956” in two places, and “July 1, 1957” for “July 1, 1956”.

Subsec. (b). Act June 29, 1956, redesignated par. (5) of subsec. (a) as subsec. (b) and substituted “manufacturer, producer, or importer” for “person”, and struck out provisions that required claims for credit or refund to be filed before July 1, 1956. Former subsec. (b) was covered by par. (2) of subsec. (a).

Act Mar. 29, 1956, substituted “April 1, 1957” for “April 1, 1956” in three places, and “July 1, 1957” for “July 1, 1956”.

Subsec. (c). Act June 29, 1956, included taxes imposed by section 4071 of this title.

Subsec. (d). Act May 29, 1956, substituted “1961” for “1957”.

1955—Subsecs. (a), (b). Act Mar. 30, 1955, substituted “April 1, 1956” for “April 1, 1955” and “July 1, 1956” for “July 1, 1955” wherever appearing.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2016, see section 31102(f) of Pub. L. 114-94, set out as a note under section 4041 of this title.

EFFECTIVE AND TERMINATION DATES OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective July 1, 2012, see section 40102(f) of Pub. L. 112-141, set out as a note under section 4041 of this title.

Amendment by Pub. L. 112-140 to cease to be effective on July 6, 2012, with text as amended by Pub. L. 112-140 to revert back to read as it did on the day before June 29, 2012, and amendments by Pub. L. 112-141 to be executed as if Pub. L. 112-140 had not been enacted, see section 1(c) of Pub. L. 112-140, set out as a note under section 101 of Title 23, Highways.

Amendment by Pub. L. 112-140 effective July 1, 2012, see section 402(f)(1) of Pub. L. 112-140, set out as a note under section 4041 of this title.

Amendment by Pub. L. 112-102 effective Apr. 1, 2012, see section 402(f) of Pub. L. 112-102, set out as a note under section 4041 of this title.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112-30 effective Oct. 1, 2011, see section 142(f) of Pub. L. 112-30, set out as a note under section 4041 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-66 effective Jan. 1, 1994, see section 13242(e) of Pub. L. 103-66, set out as a note under section 4041 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective, except as otherwise provided, as if included in the provisions of the Highway Revenue Act of 1982, title V of Pub. L. 97-424, to which such amendment relates, see section 736 of Pub. L. 98-369, set out as a note under section 4051 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-618 applicable with respect to articles sold after Nov. 9, 1978, see section 231(g) of Pub. L. 95-618, set out as a note under section 4222 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-178 applicable with respect to articles sold on or after the day after Dec. 10, 1971, see section 401(h)(1) of Pub. L. 92-178, set out as a note under section 4071 of this title.

EFFECTIVE DATE OF 1968 AMENDMENTS

Pub. L. 90-364, title I, §105(c), June 28, 1968, 82 Stat. 266, provided that: “The amendments made by this section [amending this section and sections 4061 and 4251 of this title] shall take effect as of April 30, 1968.”

Pub. L. 90-285, §1(b), Apr. 12, 1968, 82 Stat. 92, provided that: “The amendments made by subsection (a) [amending this section and sections 4061 and 4251 of this title] shall take effect as of March 31, 1968.”

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-44 effective June 22, 1965, see section 701(a) of Pub. L. 89-44, set out as a note under section 4161 of this title.

EFFECTIVE DATE OF 1962 AMENDMENTS

Amendment by Pub. L. 87-535 effective Jan. 1, 1962, see section 19(a) of Pub. L. 87-535, July 13, 1962, 76 Stat. 167.

Amendment by Pub. L. 87-456 effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 31, 1963, see section 501(a) of Pub. L. 87-456, title V, May 24, 1962, 76 Stat. 78.

EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87-61 effective June 29, 1961, see section 208 of Pub. L. 87-61, set out as a note under section 4041 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-859 effective on first day of first calendar quarter which begins more than 60 days after Sept. 2, 1958, see section 1(c) of Pub. L. 85-859, Sept. 2, 1958, 72 Stat. 1275.

EFFECTIVE DATE OF 1956 AMENDMENTS

Amendment by act June 29, 1956, effective June 29, 1956, see section 211 of act June 29, 1956, set out as a note under section 4041 of this title.

Amendment by act May 29, 1956, effective as of Jan. 1, 1956, see section 22 of act May 29, 1956, ch. 342, 70 Stat. 221.

FLOOR STOCK REFUNDS

Pub. L. 89-44, title II, §209(b), June 21, 1965, 79 Stat. 142, provided that where any article subject to taxes under section 4111, 4121, 4141, 4151, 4161, 4191 or 4451 of this title before June 21, 1965, or subject to taxes under section 4061(b), 4091(1), or 4131 of this title before Jan. 1, 1966, had been sold by the manufacturer, importer or producer and on such date held by the dealer and not used, there was to be credited or refunded to the manufacturer, importer or producer an amount equal to the difference between the tax paid by him on his sale of the article and the amount of tax made applicable to the article on such date where certain conditions were satisfactorily met.

EXTENSION OF TIME FOR FILING CLAIMS FOR FLOOR STOCKS REFUNDS

Pub. L. 91-642, §1, Dec. 31, 1970, 84 Stat. 1880, provided that if a claim for credit or refund was filed by a manufacturer, importer or producer on or before the 90th day after Dec. 31, 1970, such filing was deemed to have satisfied the requirements of section 209(b)(1)(A) of Pub. L. 89-44 for filing on or before Feb. 10, 1966, or Aug. 10, 1966.

REFUNDS RESPECTING CONSUMER PURCHASES

Pub. L. 89-44, title II, §209(c), June 21, 1965, 79 Stat. 143, provided that if after May 14, 1965, but before June

21, 1965, a new automotive item subject to the tax imposed by section 4061(a)(2) of this title, or a new self-contained air-conditioning unit subject to the tax imposed by section 4111 of this title, had been sold to an ultimate purchaser, there was to be credited or refunded to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by the manufacturer, producer, or importer on his sale of the article and the tax made applicable to the article on such date if certain conditions were met.

§ 6413. Special rules applicable to certain employment taxes

(a) Adjustment of tax

(1) General rule

If more than the correct amount of tax imposed by section 3101, 3111, 3201, 3221, or 3402 is paid with respect to any payment of remuneration, proper adjustments, with respect to both the tax and the amount to be deducted, shall be made, without interest, in such manner and at such times as the Secretary may by regulations prescribe.

(2) United States as employer

For purposes of this subsection, in the case of remuneration received from the United States or a wholly-owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall be deemed a separate employer.

(3) Guam or American Samoa as employer

For purposes of this subsection, in the case of remuneration received during any calendar year from the Government of Guam, the Government of American Samoa, a political subdivision of either, or any instrumentality of any one or more of the foregoing which is wholly owned thereby, the Governor of Guam, the Governor of American Samoa, and each agent designated by either who makes a return pursuant to section 3125 shall be deemed a separate employer.

(4) District of Columbia as employer

For purposes of this subsection, in the case of remuneration received during any calendar year from the District of Columbia or any instrumentality which is wholly owned thereby, the Mayor of the District of Columbia and each agent designated by him who makes a return pursuant to section 3125 shall be deemed a separate employer.

(5) States and political subdivisions as employer

For purposes of this subsection, in the case of remuneration received from a State or any political subdivision thereof (or any instrumentality of any one or more of the foregoing which is wholly owned thereby) during any calendar year, each head of an agency or instrumentality, and each agent designated by either, who makes a return pursuant to section 3125 shall be deemed a separate employer.

(b) Overpayments of certain employment taxes

If more than the correct amount of tax imposed by section 3101, 3111, 3201, 3221, or 3402 is

paid or deducted with respect to any payment of remuneration and the overpayment cannot be adjusted under subsection (a) of this section, the amount of the overpayment shall be refunded in such manner and at such times (subject to the statute of limitations properly applicable thereto) as the Secretary may by regulations prescribe.

(c) Special refunds

(1) In general

If by reason of an employee receiving wages from more than one employer during a calendar year the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101(a) or section 3201(a) (to the extent of so much of the rate applicable under section 3201(a) as does not exceed the rate of tax in effect under section 3101(a)), or by both such sections, and deducted from the employee's wages (whether or not paid to the Secretary), which exceeds the tax with respect to the amount of such wages received in such year which is equal to such contribution and benefit base. The term "wages" as used in this paragraph shall, for purposes of this paragraph, include "compensation" as defined in section 3231(e).

(2) Applicability in case of Federal and State employees, employees of certain foreign affiliates, and governmental employees in Guam, American Samoa, and the District of Columbia

(A) Federal employees

In the case of remuneration received from the United States or a wholly-owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall, for purposes of this subsection, be deemed a separate employer; and the term "wages" includes for purposes of this subsection the amount, not to exceed an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year with respect to which such contribution and benefit base is effective, determined by each such head or agent as constituting wages paid to an employee.

(B) State employees

For purposes of this subsection, in the case of remuneration received during any calendar year, the term "wages" includes such remuneration for services covered by an agreement made pursuant to section 218 of the Social Security Act as would be wages if such services constituted employment; the term "employer" includes a State or any political subdivision thereof, or any instrumentality of any one or more of the fore-