



Federal Return and the Forms and Schedules Required to be Included with the Corporation Business Tax Return

TB-98(R) – Revised October 12, 2023

Tax: Corporation Business Tax

Revision Information: This Technical Bulletin was revised to include that Form 8833 and Form 7205 are items that are required to be submitted as part of a full and complete New Jersey return if a non-US corporation has treaty protected items of income.

Effective for **privilege periods ending on and after July 31, 2020**, N.J.S.A. 54:10A-14 states in relevant part:

- (a) The director shall require any taxpayer or managerial member to submit, as part of a full and complete New Jersey return, copies or pertinent extracts of its federal income tax returns, or of any other tax return filed with any agency of the federal government, or of this or any other state, or of any statement or registration made pursuant to any state or federal law pertaining to securities or securities exchange regulation. The director shall issue regulations describing which federal extracts are required and which extracts are optional.

For federal purposes, taxpayers are required to complete and attach a variety of schedules for various parts of the federal return in order to comply with various provisions of the federal Internal Revenue Code. For New Jersey Corporation Business Tax purposes, some of the supporting schedules that are required for federal tax purposes are not necessary since certain federal forms are not applicable to provisions of the New Jersey Corporation Business Tax Act.

Taxpayers must include a copy of the federal return (or returns in the case of certain combined groups), **including all attachments**, that was filed with the Internal Revenue Service for the privilege period (i.e., Form 1120, 1120-F, 1120-S, etc., as applicable).

If any of the following forms and/or schedules were submitted with the federal return(s), they must also be included as part of a full and complete New Jersey Corporation Business Tax return. (Note: Corporations that are not required to file federal returns must attach pro-formas, including any required Forms/Schedules, showing what they would have reported for federal purposes had they had been required to file a federal return.):

- Form 851
- Form 1118
- Form 1125-A
- Form 1125-E
- Form 4562
- Form 4797
- Form 5471
- Form 5472
- Form 7205
- Form 8833
- Form 8858
- Form 8990
- Form 8992
- Form 8993
- Schedule D
- Schedule M-3
- Schedule UTP

Failure to include a copy of the federal return as well as the above noted forms (if the taxpayer attached them as part of their original federal return) filed with the Internal Revenue Service will result in an incomplete New Jersey Corporation Business Tax Return and the taxpayer may be assessed penalties and interest for noncompliance. See N.J.A.C. 18:7-11.17A for more information.

All other federal forms and schedules not listed above must be made available to Division of Taxation staff upon request.

Note: A Technical Bulletin is an informational document that provides guidance on a topic of interest to taxpayers and may describe recent changes to the relevant laws, regulations, and/or Division policies. It is accurate as of the date issued. However, taxpayers should be aware that subsequent changes to the applicable laws, regulations, and/or the Division's interpretation thereof may affect the accuracy of a Technical Bulletin. The information provided in this document does not cover every situation and is not intended to replace the law or change its meaning.