

AMENDMENTS

2010—Subsecs. (k), (l). Pub. L. 111-327 redesignated subsec. (l) as (k).

2005—Subsec. (b)(1). Pub. L. 109-8, § 1234(a)(1), inserted “as to liability or amount” after “bona fide dispute” and substituted “if such noncontingent, undisputed claims” for “if such claims”.

Subsec. (h)(1). Pub. L. 109-8, § 1234(a)(2), inserted “as to liability or amount” before semicolon.

Subsec. (k). Pub. L. 109-8, § 802(d)(2), struck out subsec. (k) which read as follows: “Notwithstanding subsection (a) of this section, an involuntary case may be commenced against a foreign bank that is not engaged in such business in the United States only under chapter 7 of this title and only if a foreign proceeding concerning such bank is pending.”

Subsec. (l). Pub. L. 109-8, § 332(b), added subsec. (l).

1994—Subsec. (b). Pub. L. 103-394 substituted “\$10,000” for “\$5,000” in pars. (1) and (2).

1986—Subsec. (a). Pub. L. 99-554, § 254, inserted reference to family farmer.

Subsec. (b). Pub. L. 99-554, § 283(b)(1), substituted “subject of” for “subject on”.

Subsec. (g). Pub. L. 99-554, § 204(1), substituted “may order the United States trustee to appoint” for “may appoint”.

Subsec. (h)(1). Pub. L. 99-554, § 283(b)(2), substituted “are the” for “that are the”.

Subsec. (i)(1). Pub. L. 99-554, § 204(2), inserted “or” at end of subpar. (A) and struck out subpar. (C) which read as follows: “any damages proximately caused by the taking of possession of the debtor’s property by a trustee appointed under subsection (g) of this section or section 1104 of this title; or”.

1984—Subsec. (b). Pub. L. 98-353, § 426(a), inserted “against a person” after “involuntary case”.

Subsec. (b)(1). Pub. L. 98-353, § 426(b)(1), inserted “or the subject on a bona fide dispute.”

Subsec. (h)(1). Pub. L. 98-353, § 426(b)(2), inserted “unless such debts that are the subject of a bona fide dispute”.

Subsec. (j)(2). Pub. L. 98-353, § 427, substituted “debtor” for “debtors”.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-8, title XII, § 1234(b), Apr. 20, 2005, 119 Stat. 204, provided that: “This section [amending this section] and the amendments made by this section shall take effect on the date of the enactment of this Act [Apr. 20, 2005] and shall apply with respect to cases commenced under title 11 of the United States Code before, on, and after such date.”

Amendment by sections 332(b) and 802(d)(2) of Pub. L. 109-8 effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under this title before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109-8, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-394 effective Oct. 22, 1994, and not applicable with respect to cases commenced under this title before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Effective date and applicability of amendment by section 204 of Pub. L. 99-554 dependent upon the judicial district involved, see section 302(d), (e) of Pub. L. 99-554, set out as a note under section 581 of Title 28, Judiciary and Judicial Procedure.

Amendment by section 254 of Pub. L. 99-554 effective 30 days after Oct. 27, 1986, but not applicable to cases commenced under this title before that date, see section 302(a), (c)(1) of Pub. L. 99-554.

Amendment by section 283 of Pub. L. 99-554 effective 30 days after Oct. 27, 1986, see section 302(a) of Pub. L. 99-554.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by sections 426(a) and 427 of Pub. L. 98-353 effective with respect to cases filed 90 days after July 10, 1984, and amendment by section 426(b) of Pub. L. 98-353 effective July 10, 1984, see section 552(a), (b) of Pub. L. 98-353, set out as a note under section 101 of this title.

ADJUSTMENT OF DOLLAR AMOUNTS

The dollar amounts specified in this section were adjusted by notices of the Judicial Conference of the United States pursuant to section 104 of this title as follows:

By notice dated Feb. 5, 2019, 84 F.R. 3488, effective Apr. 1, 2019, in subsec. (b)(1), (2), dollar amount “15,775” was adjusted to “16,750”. See notice of the Judicial Conference of the United States set out as a note under section 104 of this title.

By notice dated Feb. 16, 2016, 81 F.R. 8748, effective Apr. 1, 2016, in subsec. (b)(1), (2), dollar amount “15,325” was adjusted to “15,775”.

By notice dated Feb. 12, 2013, 78 F.R. 12089, effective Apr. 1, 2013, in subsec. (b)(1), (2), dollar amount “14,425” was adjusted to “15,325”.

By notice dated Feb. 19, 2010, 75 F.R. 8747, effective Apr. 1, 2010, in subsec. (b)(1), (2), dollar amount “13,475” was adjusted to “14,425”.

By notice dated Feb. 7, 2007, 72 F.R. 7082, effective Apr. 1, 2007, in subsec. (b)(1), (2), dollar amount “12,300” was adjusted to “13,475”.

By notice dated Feb. 18, 2004, 69 F.R. 8482, effective Apr. 1, 2004, in subsec. (b)(1), (2), dollar amount “11,625” was adjusted to “12,300”.

By notice dated Feb. 13, 2001, 66 F.R. 10910, effective Apr. 1, 2001, in subsec. (b)(1), (2), dollar amount “10,775” was adjusted to “11,625”.

By notice dated Feb. 3, 1998, 63 F.R. 7179, effective Apr. 1, 1998, in subsec. (b)(1), (2), dollar amount “10,000” was adjusted to “10,775”.

[§ 304. Repealed. Pub. L. 109-8, title VIII, § 802(d)(3), Apr. 20, 2005, 119 Stat. 146]

Section, Pub. L. 95-598, Nov. 6, 1978, 92 Stat. 2560, related to cases ancillary to foreign proceedings.

EFFECTIVE DATE OF REPEAL

Repeal effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under this title before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109-8, set out as an Effective Date of 2005 Amendment note under section 101 of this title.

§ 305. Abstention

(a) The court, after notice and a hearing, may dismiss a case under this title, or may suspend all proceedings in a case under this title, at any time if—

(1) the interests of creditors and the debtor would be better served by such dismissal or suspension; or

(2)(A) a petition under section 1515 for recognition of a foreign proceeding has been granted; and

(B) the purposes of chapter 15 of this title would be best served by such dismissal or suspension.

(b) A foreign representative may seek dismissal or suspension under subsection (a)(2) of this section.

(c) An order under subsection (a) of this section dismissing a case or suspending all proceedings in a case, or a decision not so to dismiss or suspend, is not reviewable by appeal or other-