tion issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(Pub. L. 91–670, title III, § 313, Jan. 11, 1971, 84 Stat. 2046; Pub. L. 101–624, title XIX, § 1943, Nov. 28, 1990, 104 Stat. 3868.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–624 substituted ''any'' for ''a handler or any other'' before ''person has engaged'' in first sentence, and struck out ''handler or other'' after ''judicial district where such'' in last sentence.

§ 2623. Referendum

(a) Secretary's duty to conduct; purpose of referendum

The Secretary shall conduct a referendum among producers, who during a representative period determined by the Secretary have been engaged in the production of potatoes, for the purpose of ascertaining whether the issuance of a plan is approved or favored by such producers. When the issuance of a plan would subject importers to the terms and conditions of a plan, the Secretary also shall conduct the referendum among importers, who during a representative period determined by the Secretary have been engaged in the importation of potatoes, for the purpose of ascertaining whether the issuance of such plan is approved or favored by such importers.

(b) Required margin of approval

No plan issued under this chapter shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than a majority of the producers voting in such referendum or a majority of the producers and importers when the issuance of a plan would subject importers to the terms and conditions of a plan, voting in such referendum.

(c) Amendments

The failure of potato producers and importers to approve an amendment to any plan issued under this chapter shall not be deemed to invalidate such plan.

(d) Penalties for disclosure of confidential information, ballots and reports

The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes, or any importer or the volume of potatoes imported by such importer, shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in section 2619(c) of this title.

(Pub. L. 91–670, title III, § 314, Jan. 11, 1971, 84 Stat. 2046; Pub. L. 97–244, § 4, Aug. 26, 1982, 96 Stat. 311; Pub. L. 101–624, title XIX, § 1944, Nov. 28, 1990, 104 Stat. 3868.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–624, § 1944(1), inserted at end ''When the issuance of a plan would subject importers to the terms and conditions of a plan, the Secretary also shall conduct the referendum among importers, who during a representative period determined by the Secretary have been engaged in the importation of potatoes, for the purpose of ascertaining whether the issuance of such plan is approved or favored by such importers.''

Subsec. (b). Pub. L. 101–624, § 1944(2), substituted ''a majority of the producers voting in such referendum or a majority of the producers and importers when the issuance of a plan would subject importers to the terms and conditions of a plan, voting in such referendum'' for ''two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum''.

Subsec. (c). Pub. L. 101–624, § 1944(3), inserted ''and importers'' after ''producers''.

Subsec. (d). Pub. L. 101–624, § 1944(4), inserted '', or any importer or the volume of potatoes imported by such importer,'' after ''potatoes''.

1982—Pub. L. 97–244 designated existing provisions as subsecs. (a), (b) and (d), in subsec. (a), as so redesignated, inserted commas after ''referendum among producers'' and ''production of potatoes'', struck out commas after ''who'' and ''determined by the Secretary'', and substituted ''by such producers'' for ''by producers'', in subsec. (b), as so redesignated, substituted ''under this chapter'' for ''pursuant to this chapter'', and added subsec. (c).

CONSTRUCTION OF 1982 REFERENDUM ON AMENDMENTS TO PLAN

Pub. L. 98–171, § 2(b), Nov. 29, 1983, 97 Stat. 1118, provided that: ''The failure of potato producers in December 1982 to approve amendments to the plan issued under this title [probably means title III of Pub. L. 91–670 which is classified to this chapter] shall not be deemed to invalidate the plan.''

§ 2624. Suspension or termination of plans

(a) Duty of Secretary

The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this chapter, terminate or suspend the operation of such plan or such provision thereof.

(b) Referendum

The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers, or of the total number of producers and importers when importers are subject to a plan, to determine if potato producers and importers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce and import more than 50 per centum of the volume of the potatoes produced and imported by those voting in the referendum.

(c) Limitation

The termination or suspension of any plan, or any provision thereof, shall not be considered