CONGRESSIONAL APPENDIX 2: 23 U.S.C. §104(b)(2) APPORTIONMENT

(2) Congestion mitigation and air quality improvement program.—
   (A) In general.—For the congestion mitigation and air quality improvement program, in the ratio that—
      (i) the total of all weighted nonattainment and maintenance area populations in each State; bears to
      (ii) the total of all weighted nonattainment and maintenance area populations in all States.
   (B) Calculation of weighted nonattainment and maintenance area population.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—
      (i) 1.0 if, at the time of apportionment, the area is a maintenance area;
      (ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);
      (iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under such subpart;
      (iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under such subpart;
      (v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under such subpart;
      (vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under such subpart;
      (vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of such Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide; or
      (viii) 1.0 if, at the time of apportionment, an area is designated as nonattainment for ozone under subpart 1 of part D of title I of such Act (42 U.S.C. 7512 et seq.).
   (C) Additional Adjustment for Carbon Monoxide Areas.—If, in addition to being designated as a nonattainment or maintenance area for ozone as described in section 149(b), any county within the area was also classified under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.) as a nonattainment or maintenance area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the county, as determined under clauses (i) through (vii) or clause (viii) of subparagraph (B), shall be further multiplied by a factor of 1.2.
   (D) Minimum apportionment.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of 1/2 of 1 percent of the funds apportioned under this paragraph.
   (E) Determinations of population.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.