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## Governmental Advisory Committee Comments Regarding Proposed Fundamental ByLaws Amendments Related to Grant Program

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The ICANN Governmental Advisory Committee (GAC) welcomes the opportunity to provide comments on the Proposed Fundamental Bylaws Amendments Related to Grant Program published on 7 August 2024<sup>1</sup>. GAC members have reviewed the proposed amendments and herein provide general comments regarding them.<sup>2</sup>

The GAC thanks the ICANN org and Board for their continued engagement and discussion with the broader ICANN community on how to maintain effective Accountability Mechanisms via the ICANN Bylaws and related Mechanisms. The GAC thanks the Board for its careful review of community input to potential amendments of section 4.1 of the ICANN Bylaws, and for its creative approach to implement the ICANN Grant Program without impacting Accountability Mechanisms within ICANN.

As noted in the GAC Chair [letter](#) to the ICANN Board Chair in May 2024, GAC Members expressed concerns on the proposal for a “general process” for limiting access to certain mechanisms in relation to the importance GAC members placed in preserving long-standing ICANN accountability mechanisms.

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<sup>1</sup> See public comment proceeding:

<https://www.icann.org/en/public-comment/proceeding/proposed-fundamental-bylaws-amendments-related-to-grant-program-07-08-2024>)

<sup>2</sup> This comment was prepared by the Committee’s leadership and is made on behalf of the entire GAC. It has been subjected to review of the GAC membership and is intended to complement, but not replace, any input that may be provided on the Proposed Fundamental ByLaws Amendments Related to Grant Program by individual GAC members.

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The GAC notes that the proposed Bylaws amendment up for comment is designed to specifically exclude the use of the ICANN’s Reconsideration and Independent Review Processes (collectively, “Accountability Mechanisms”) to challenge decisions on individual applications in the ICANN Grant Program, replacing the earlier proposed amendments to Article 4, Section 4.1 to set out a general process for how the ICANN community can limit access to ICANN’s Accountability Mechanisms.

The GAC understands the updated proposal incorporates specific language into both the Reconsideration (Article 4, Section 4.2) and Independent Review Process (Article 4, Section 4.3) sections of the ICANN Bylaws, but that it does not otherwise add to or modify the Bylaws governing either Accountability Mechanism.

The GAC further underlines the understanding that the language added within each section sets out an exclusion that the relevant Accountability Mechanism shall not be used for claims or disputes “relating to decisions to approve or not approve an application to the ICANN Grant Program.”

The GAC is pleased that the new Board proposal narrows the application of the new amendments and looks forward to further community dialogue on this matter at ICANN81.

The GAC is grateful to ICANN org for this opportunity to share the committee’s perspective on the Proposed Fundamental Bylaws Amendments Related to Grant Program and the committee looks forward to contributing to potential future comment opportunities as they relate to this matter at ICANN81.

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