**29 U.S. Code § 796(d) mandates that Statewide Independent Living Councils (SILC) develop, monitor and evaluate the Statewide Independent Living Plan (SPIL) in conjunction with the Designated State Entity (DSE).**

* The SILC is expected to be autonomous from the DSE and all other State agencies. As a 501c3, the SILC would have a different relationship with the state. Instead of having the state as the fiscal sponsor, the SILC would have a contractor relationship with the state. All fiscal and programmatic decisions would be made by the SILC Executive Director.
* 796(d) requires that staff and other personnel not be assigned duties by the Designated [State](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=29-USC-80204913-1026023984&term_occur=415&term_src=title:29:chapter:16:subchapter:VII:part:A:subpart:1:section:796d) Entity or any other agency or office of the [State](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=29-USC-80204913-1026023984&term_occur=416&term_src=title:29:chapter:16:subchapter:VII:part:A:subpart:1:section:796d), that would create a conflict of interest. As both the fiscal sponsor for the SILC and administrator of contracts for services provided by the Centers for Independent Living (CILs), the DSE is at risk of inadvertently exhibiting a conflict of interest. The SILC can ensure that the DSE is does not inadvertently act in a manner that could be perceived to be a conflict of interest by becoming an organization that is clearly separate from the State.
* The Continuing Resolution process has interrupted funding for the SILC in the past resulting in a disruption of SILC activities. As a 501c3, the SILC will have more options for resource development and building a reserve.
* There is a perception in the community that donations to the SILC are going to state government. This limits the SILC’s ability to implement additional resource development activities.
* The SILC is not able to have employees because of state rules. The SILC must secure all services, including contractors through the state procurement process.
* The SILC will continue to follow all rules and regulations required by any funding sources including the federal and state government including administration of the State Plan for Independent Living (SPIL). The SPIL will have to address administration of the 501c3.
* Becoming a 501c3 gives the SILC the ability to be more flexible in responding to changes in internal and external conditions such as the ability to respond to the needs of community.