

which to make a determination of value prior to the actual sale or agreement. Are you bound by law not to have this access? Is this a limitation on GAO in general?

Mr. GILROY. I think it can be. It is more or less executive privilege. This is all planning information, and they say we cannot look at the data, because this will be executive action. For instance, in the sales agreement for the Jeanne d'Arc Hospital they entered into a fixed agreement. Colonel Hoover for the United States and a representative from the French Government had signed a sales agreement for this hospital. They said they agreed on the price of \$465,000. This is final; the input data will not change here. But the formal contract has not been signed as yet. So we cannot see the input data on that yet.

On Toul-Rosiere the contract has been signed, and we can look at that. But we are not able to take a look at the data they are accumulating. Each time we have to wait until a contract is signed. Since April 25, when they entered into the sales agreement for Jeanne d'Arc Hospital, the four bases have been sold, and we have not got the data on Jeanne d'Arc Hospital to compare yet.

Mr. MONAGAN. In essence it is the executive branch saying they have the privilege of not revealing this information, isn't that it?

Mr. DiGIORGIO. To put it simply, there is an operational prerogative. Essentially, until they have had an opportunity to exercise their judgment they will not let anyone review any of the facts gathered as the basis for exercising this prerogative. That may be reasonable in an on going job, but it is not in this case, in our opinion, because the observations we might have made are lost to them. This is what gives FRELOC the essence of uniqueness.

Mrs. HECKLER. What do you mean by the executive branch? Do you mean the military?

Mr. GILROY. It can be the military or the State Department.

Mr. MONAGAN. Any executive department.

Mrs. HECKLER. The GAO is considered a part of the executive branch, is it not?

Mr. DiGIORGIO. No.

Mr. MONAGAN. It is an arm of the Congress.

Mr. BARASH. Will you go into the reasonableness of the contract price at which these properties were sold?

Mr. DiGIORGIO. We wanted to go into what we thought the price should be that would be attained.

Mr. BARASH. Do you know whether they have a formula?

Mr. DiGIORGIO. We have requested that and we have some of it but not sufficient. This has been slow in coming.

Mr. ROMNEY. I do not know whether Mr. Gilroy completed what he started out to say.

Mr. GILROY. We had gone through the process of determining what property was excess to the needs of the military and were down to MLS operations as such. I think I had exhausted the background. The one area I did want to stress was that some of this property may not be offered to other agencies, the movable property the French do not intend to buy. The important thing is the economic analysis they will make. They may leave it to be negotiated with the residual value of the realty. We do not expect to get a proper return for the real prop-