American Bankers Association®

Joshua Stein
Vice President – Accounting and Financial Management
P 202-663-5318

November 27, 2023

Chief Counsel's Office
Office of the Comptroller of the Currency
400 7th Street, SW, Suite 3E-218
Washington, D.C. 20219

Ann E. Misback, Secretary
Board of Governors of the Federal Reserve System
20th Street and Constitution Avenue, NW
Washington, D.C. 20551

Manuel E. Cabeza, Counsel
Attn: Comments, Room MB-3128
Federal Deposit Insurance Corporation
550 17th Street, NW
Washington D.C. 20429

RE: Call Report and FFIEC 002 Revisions OMB Control No: OCC 1557-0081, FRB 7100-0036, FDIC 3064-0052, 7100–0032.

To Whom It May Concern:

The American Bankers Association[1] (ABA) welcomes the opportunity to comment on the joint Notice of Proposed Rulemaking (the Proposal) by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency (Banking Agencies) on Federal Financial Institutions Examination Council's[2] (FFIEC) revisions to modify FFIEC Forms 031, 041, and 051, commonly referred to as the Consolidated Reports of Condition and Income (the Call Report). The Call Report provides data on individual banks, allows for trend analysis of bank condition and trend information about the overall banking industry and serves as the basis for other reporting and policy analysis. Additionally, the data provided in the Call Reports serve as a foundation for other required regulatory reporting.

Executive Summary

The Proposal would make revisions to address the 2023 change in accounting that eliminated Troubled Debt Restructurings (TDRs) and added disclosure requirements to report the current period activity for certain loan refinancings and modifications when a borrower is experiencing

---

[1] The American Bankers Association is the voice of the nation's $23.5 trillion banking industry, which is composed of small, regional, and large banks that together employ more than 2.1 million people, safeguard nearly $18.6 trillion in deposits, and extend more than $12.3 trillion in loans.

[2] The Council is a formal interagency body who's voting members include the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC), and the Consumer Financial Protection Bureau (CFPB), and the State Liaison Committee (SLC).

financial difficulty (FDM) and subsequent defaults of FDMs within 12 months of the modification.[3] The Proposal also adds an additional non-GAAP requirement to include FDMs "for a minimum period of 12 months and until an institution performs a current, well documented credit evaluation to support that the borrower is no longer experiencing financial difficulty, unless the loan is paid off, charged-off, sold, or otherwise settled" (additional non-GAAP requirement).

The purpose of the additional non-GAAP requirement appears to be isolated to the FDIC's objective of capturing "elevated credit risk [associated with restructured loans that] is not necessarily eliminated within a given time frame" to be used in the Large and Highly Complex Assessment Scorecards. While ABA supports amending the Call Report to address the elimination of TDRs and to conform to the U.S. GAAP (GAAP)-based FDM reporting, ABA opposes the Proposal's additional non-GAAP requirement. Not only is the GAAP-based FDM reporting more suited to achieve the Proposal's stated objective to better understand the level of loan modification activity, including the non-GAAP requirement will be unnecessarily costly and delay implementation, potentially confuse other users of the information, including investors, and not achieve the objective to isolate and measure restructured loans with borrowers, modified in previous periods, that continue to experience financial difficulties.

Background

ABA actively engaged with the Banking Agencies on ASU 2022-02 since March 2022 when the final ASU was issued. ABA expressed the need for quick guidance on how the elimination of TDRs will change regulatory guidance and rules that use or reference TDRs and how FDM will be adopted for regulatory reporting purposes. Conceptual differences between TDRs and FDMs were clearly expressed as well as the following ABA concerns:

- Continuation of the "once a TDR always a TDR" issue under an FDM concept.
- Additional burden that would be caused by delays in providing information on changes to the Call Report.

ABA communicated throughout 2022 that there was an opportunity to develop systems and processes to implement both GAAP and regulatory reporting changes for ASU 2022-02 concurrently. We further communicated that a delay that required a separate implementation would cause significant incremental cost and will take a minimum of 6-9 months. Aspects of this early communication were included in two 2022 comment letters in which ABA stated that "We hope and expect a comment deadline early in the fourth quarter of [2022]"[4] and ABA has been "eagerly awaiting call report changes."[5]

---

[3] Accounting Standard Update (ASU) 2022-02
[4] Amendments to Incorporate Troubled Debt Restructuring Accounting Standards Update August 26, 2022
[5] Proposed Interagency Policy Statement on Prudent Commercial Real Estate Loan Accommodations and Workouts October 3, 2022

ABA further commented on the Notice of Proposed Rulemaking for amendments to the large and highly complex institution scorecards in August 2022 that the proposed approach appears to merely replace the TDR metric with FDMs. FDMs, however, are not analogous to TDRs. TDR accounting was a critical aspect of incurred loss accounting and generally served as a backstop measure to identify impaired assets. Such a process directly identified additional risk in a portfolio at a point in time and normally resulted in higher credit loss provisions. In contrast, the FDM balance represents modification *activity* over a reporting period and subsequent performance of modifications on a 12-month trailing period. It is meant to capture how a bank manages its loan portfolio in the reporting period and not to communicate a risk profile for the loan portfolio. It has no direct connection to credit loss provisions under CECL. In fact, FDMs include modified assets that did not involve a concession given to the borrower and, thus, would not be classified as a TDR. Requiring additional FDM disclosures for regulatory purposes to replicate TDR concepts and measures that have been eliminated from GAAP would inappropriately link modifications to loans experiencing financial difficulty to the CECL credit loss process for loans that do not share similar risk characteristics, when no such linkage exists.

With this in mind, the Proposal's stated objective appears consistent with assessing FDMs only as a period activity-based measure and not similarly to the risk presented through TDRs outstanding at a point in time:

> These changes are intended to provide data needed to monitor banks' safety and soundness and for FDIC deposit insurance assessment purposes. The proposed revisions would assist the agencies in gaining a better understanding of banks' credit exposures. Specifically, the loan modifications to borrowers experiencing financial difficulty reported in Call Report Schedule RC–C, Part I, Loans and Leases, Memorandum item 1, and Schedule RC–N, Past Due and Nonaccrual Loans, Leases, and Other Assets, Memorandum item 1 would enable the agencies to better understand the level of loan modification activity at institutions and the categories of loans involved in this activity.

However, the additional non-GAAP requirement does not appear to support that objective. In fact, the additional non-GAAP requirement will obfuscate the GAAP-reported amounts to include FDM activity that occurred in prior reporting periods.

1. **Analysis of the additional non-GAAP requirement.**

The additional non-GAAP requirement appears to be the FDIC's attempt to replace a component of the FDIC's deposit insurance underwriting that was previously captured by TDRs. Specifically, requiring the additional non-GAAP requirement is an attempt to capture

incremental restructured loan risk that is not necessarily eliminated within [GAAP-based FDM reporting] time frame.[6] However, there are significant underlying issues that must be considered:

A. The Proposal's attempt to convert an activity-based measure - "FDM" - to a measure of asset quality though the additional non-GAAP requirement does not achieve the FDIC's objective, reduces the value of the GAAP metric and skews data.

The TDR metric normally represented the balance of impaired loans in which modifications had been performed. In contrast, FDMs generally represent the volume of loans placed in modification programs in the current period. This difference can be highly confusing to many stakeholders.

- The volume of loans in modification programs reflects how a bank manages credit risk.
- Banks conduct loan modifications to suit the needs of their customers and the banks' operations. Individual banks' practices vary across the industry. As a result, modification activity can merely reflect how a bank manages credit risk and not be a direct measure of asset quality. The volume of modifications will not provide a relative measure of loan quality between different banks.

Further the reported data will be skewed:

- The Proposal will require data to be included beyond the period in which the activity occurred.
- Further, the challenges of implementing the Proposal, disparities in practice, timing differences in credit evaluations, and the significant cost barrier to removing the FDM designation will result in material amounts of credits where the borrower is no longer experiencing financial difficulties but continue to be reported as FDMs because the necessary credit evaluation has not or will not be performed. These issues are outlined in more detail in subsequent sections of this letter.

Therefore, the reported information will not achieve the FDIC's objective to isolate restructured loans with borrowers, modified in previous periods, that continue to experience financial difficulties while at the same time performing in accordance with the modification terms.

B. The basis of risks and related deposit insurance underwriting requirements associated with restructured loans should be updated for the elimination of TDRs and the implementation of CECL.

TDRs were initially included in the large and highly complex bank assessment scorecard as a result of rulemaking in 2011. At that time an analysis was performed that indicated restructured

[6] Based on our analysis in the subsequent section "The benefit and use of the data is unclear," ABA concludes that the additional non-GAAP requirement is tied to an incremental underwriting risk for restructured loans that will not be captured if FDM is an activity-based measure.

loans represented a statistically significant factor in the performance of large banks during the financial crisis and therefore was included in the large and highly complex bank assessment scorecard. However, since 2011 significant changes in GAAP, credit risk monitoring practices, along with the elimination of TDRs warrant a fresh look. For example, CECL requires a forward look at the lifetime credit risk of the loan portfolio, which would consider both current and future restructuring activity.

C. The additional non-GAAP requirement has significant costs and burdens that are borne by the Banking Agencies and all banks, *including those that are not subject to the large and highly complex bank assessment scorecard.*

The additional non-GAAP requirement has significant costs including:

- Loss of the benefits described in a subsequent section "Current GAAP reporting provides clear benefits to the Banking Agencies, is fit for purpose, well understood and has significantly less incremental burden."
- Incremental Burdens outlined in the subsequent section "The additional non-GAAP requirement is a wholly new concept, creates significant additional costs and results in skewed data with lower data quality than GAAP as reported."
- Most if not all of the 465,842 annual burden hours stated in the Proposal.

The call report changes will impact **all** banks and it is unclear why the additional non-GAAP requirement is appropriate given the impact to the vast majority of banks that are not subject to the large and highly complex bank assessment scorecards.

The FDIC should assess other alternative solutions to bridge their perceived gap between FDM data and information needed to underwrite the risk associated with restructured loans. More specifically, the ABA suggests that other currently reported data, internal FDIC adjustments to currently reported data, and other available data collection mechanisms should be considered in replacing, adjusting or supplementing FDM data.

2. Current GAAP reporting provides clear benefits to the Banking Agencies, is fit for purpose, well understood and has significantly less incremental operational burden.

GAAP-based FDM amounts provide a clear measure of the activity that occurred within the reporting period. The different metrics reflect comparable period-based modification activity that provide insight into a given bank's loss mitigation activities. Trends in these credit loss mitigation activities may be useful in anticipating subsequent changes in other credit risk metrics captured in the call report (for example, past due amounts, charge-offs, and the allowance for credit losses). FDM analysis will help understand the success of loss mitigation activities and their ultimate impact to a bank's safety and soundness. This is consistent with the Proposal's

stated objectives to "better understand the level of loan modification activity at institutions and the categories of loans involved in this activity."

The usefulness of FDMs for these analyses will be greatly diminished by the Proposal's additional non-GAAP requirement, which will skew the reported numbers beyond the period in which the activity occurred. To that end, ABA notes that the Proposal does not seek to collect the other required GAAP disclosure item: FDMs that subsequently default on a 12-month trailing period. Collecting this information may provide an additional data point to forecast future FDM performance. In particular, subsequent default activity may more clearly achieve specific FFIEC members information needs regarding risk profile differences related to FDMs.

As demonstrated throughout the pandemic and recent events, investor sentiment and market-based analyses can have a significant impact on safety and soundness. Feedback from bank investors indicated that uncertainty surrounding the necessary relief granted to avoid the unintended consequences of TDR accounting was sufficiently mitigated by the bank-initiated disclosures of modifications that eventually formed the basis for the FDM disclosures now in GAAP. Further, bank investors voiced to FASB that understanding modification activity was far more important than current balances (especially in times of stress) in enabling risk reward decisions about allocating capital to banks.

Considering that FDM reporting requirements under GAAP became effective on January 1, 2023, the additional non-GAAP requirement to FDM information could cause confusion among investors. In light of the confusion in 2023 related to unrealized gains and losses in certain security portfolios and to safety within various uninsured deposit balances, ABA cautions that the benefit of consistent usage among stakeholders could be significantly diminished, with an adverse impact on safety and soundness.

Banks have already implemented FDM reporting requirements under GAAP. The systems, processes and controls for compliance with GAAP and the supplemental call report instructions, including logic across various fact patterns, are in place and well understood. Therefore, the incremental reporting burden will be significantly limited to meet the proposed effective date of March 31, 2024 if the additional non-GAAP requirement to report FDMs is omitted.

The totality of these benefits demonstrates how using the FDM data without the additional non-GAAP requirement will be valuable to the Banking Agencies. However, all these benefits are lost because of the additional non-GAAP requirement. Therefore, the FFIEC must remove the additional non-GAAP requirement.

3. **The additional non-GAAP requirement is a wholly new concept, creates significant additional costs and results in skewed data with lower data quality than GAAP as reported.**

The comments in this section highlight the significant issues and costs with the additional non-GAAP requirement and are presented as evidence as to why the additional non-GAAP requirement should be omitted:

A. Performing a "current, well documented credit evaluation to support that the borrower is no longer experiencing financial difficulties" is inconsistent with current credit review systems and credit evaluation activities.

Banks have well-established credit review systems and credit evaluation activities in accordance with existing guidance. For example, current practices to monitor consumer lending (mortgage, credit card, and other consumer) generally center on past due thresholds (120 days for auto loans, etc.), with charge-offs required at other specific delinquency periods. Commercial lending monitoring is based on a credit review process, but current practices generally link to well-established nonaccrual guidance. More detailed illustrations of considerations include:

- Consumer loans that are enrolled in qualifying FDM programs are tagged as such within the respective system. The program designation then triggers appropriate accounting treatment. For example, accelerated charge-off may occur for accounts enrolled in modification programs that go into default. Requiring an additional "credit evaluation" beyond the ongoing monitoring will require a high level of time, effort, and cost to modify systems and processes, without providing any additional benefit or information.

- For commercial loans, the determination of whether borrowers are experiencing financial difficulty is generally based upon the assessed risk rating. The additional requirement is excessive and unnecessary, given that loans that have not performed well within the 12-month period are likely to be in nonaccrual status, in which case the population of nonaccrual loans is already being separately reported and disclosed, both in GAAP financial statements and the Call Report.

B. There is a significant outsized incremental burden as result of the additional requirements that are incremental to GAAP.

The additional non-GAAP requirement will require additional credit risk professionals or even teams embedded in existing credit monitoring functions to perform wholly new evaluation. New processes also add quality assurance controls, SOX controls and other compliance requirements. Additionally, those resources will have associated administrative burden hours for personnel, project and resource management activities.

All of the following activities will be additional burden relative to the current GAAP requirements:

- Implementation Burden – Note: all the following implementation activities must be executed within system change governance, quality assurance testing, management approvals, procurement, contract review and other processes as necessary.

- Credit Evaluation Development
  - Define the parameters to determine that a borrower is no longer experiencing financial difficulty, this may differ across product types, borrowers, geography, legal jurisdictions, and various demographics. It is unclear what a complete list of indicators of a borrowers' financial experience would include and what may provide a borrower with financial benefit or cause a borrower financial stress. Additionally, the evaluation is wholly new, based on concepts not fit for purpose, and will likely result in significant variance in interpretation.
  - Identify the necessary information needed, human resources, and system requirements to make the necessary judgments along those parameters. This will likely require obtaining externally sourced information from the borrower, vendors and other sources.
  - Develop workflow to move the FDM and all related information through the credit evaluation process including systems, controls, documentation repositories to execute the evaluation and deliver the results in the form of data to the reporting systems.
- Requirement to report for a minimum of 12 months - Define reporting parameters and decision logic and update the systems or manual processes. Understand the requirements of the Proposal relative to the already established and implemented GAAP. For example, a modification executed on May 3, 2023 will first be reported in the call report for Jun 30, 2023. As of May 4, 2024 the modification will have been outstanding for 12 months but will have only been reported in three call reports. Therefore, it is unclear if the modification should no longer in the June 30, 2024 call report.

- Reporting Burden –the distinct and added burden to perform the credit evaluations along with related activities to procure information, document support, and report.
  - Credit Evaluation - Credit Risk Professions will have to perform and document the credit evaluation. For many institutions this will require additional professionals, while for others it will add significant time burdens to current employees. Information required for the evaluation will have ongoing procurement or other data gathering costs. The added function will also require additional compliance, management and administrative activities.
  - Reporting Systems - Workflow and controlled data movement through systems to ultimate inclusion in the call report.

C. The additional non-GAAP requirement is based on the GAAP concept of a borrower experiencing financial difficulties and is not fit for purpose.

The test to determine that a debtor is experiencing financial difficulties is a wholly GAAP concept and industry practice including any Banking Agency-related guidance has been for the sole purpose of understanding indicators of a borrower that IS experiencing financial difficulties. It was developed as a one-way test. More specifically, the GAAP concept outlined in ASC 310-10-50-45 provides indicators that a debtor is experiencing financial difficulties, but the list is not

intended to include all indicators of a debtor's financial difficulties and practice has evolved to include a wide variety of indicators. Any one indicator may be the sole determinant in the conclusion. Conversely, the list was not intended as a checklist to prove that a borrower is not experiencing financial difficulty. Therefore, use of the GAAP-based concept of a borrower experiencing financial difficulties is not fit for the purpose of assessing that the borrower is no longer experiencing financial difficulties.

D. The benefit and use of the additional non-GAAP data is unclear.

The proposal asserts the data is needed to monitor banks' safety and soundness and for FDIC deposit insurance assessment purposes. These appear to be distinct purposes that may require data needs that cannot be achieved using the same data. In this section, ABA assesses the additional non-GAAP data relative to the distinct purposes of monitoring modification activity and FDIC assessments. The following section reviews the different components of the asserted need for the data and concludes that the additional non-GAAP requirement was developed as a shortcut to capture a measure of incremental risk isolated to underwriting risk associated with the large and highly complex bank assessment scorecard.

For Monitoring Modification Activities

FDMs are a GAAP metric developed to report current period activity for certain modification to borrowers experiencing financial difficulties. As discussed above, FDMs as reported under GAAP provide clear benefits to the Banking Agencies. Additionally, this benefit is lost by the Proposal's added requirements which skews the data reporting beyond the period in which the activity occurred as well as creates inconsistent reporting due to operational burden and complexity. Therefore, in considering the use of FDMs for monitoring modification activities purposes it would be more beneficial to amend the Proposal to directly correlate with the GAAP requirement to report modifications to made to debtors experiencing financial difficulty during the reporting period [and not continue to report modifications made in prior periods].

For FDIC Deposit Insurance Assessment Purposes

The proposal states that the information is needed to calculate deposit insurance assessments for large or highly complex institutions as defined in FDIC regulations. Examination of the final rule notices that show that FDMs are an acceptable proxy for TDRs:

> "Though not identical to TDRs, modifications to borrowers experiencing financial difficulty are made to borrowers who are unable to perform according to the original contractual terms of their loans. Such modification activity typically indicates an elevated level of credit risk. While the reporting of TDRs will be eliminated under ASU 2022–02, the risk presented by restructured loans remains." [7]

[7] https://www.govinfo.gov/content/pkg/FR-2022-10-24/pdf/2022-22986.pdf

And while it was convenient to substitute FDMs, they acknowledged further analysis is warranted:

> "In light of commenters' concerns about how modifications to borrowers experiencing financial difficulty will be reported, and given that there may be some uncertainty over how the inclusion of modifications to borrowers experiencing financial difficulty in lieu of TDRs might affect underperforming assets and assessments, the FDIC recognizes that it may need to propose an additional data collection item or revise the underperforming assets ratio after a reasonable period of observation to adequately price for the risk presented by such modifications." [8]

Looking back, TDRs were already a proxy for restructured loans, and the assertion that the information collection is necessary because the risk presented by restructured loans remains because "TDRs have been an important component of risk-based pricing for large and highly complex banks, as they have been shown to be a statistically significant predictor of the performance of large institutions during a stress period." ABA notes that this assertion referenced "The Final Rule: Risk-Based Assessment System for Large Insured Depository Institutions."[9] The analysis was performed in 2011 and examined that impact the large bank scorecard relative to the existing assessments over 2005-2008 time frame.

The FDIC finalized its rule to use FDMs and stated:

> "The FDIC believes that the new modifications data required under ASU 2022–02 will provide valuable information and would not impose additional reporting burden. Incorporating this new data in place of TDRs would be the most reasonable option to ensure that large and highly complex banks are assessed fairly and accurately."

This statement is only accurate if the additional non-GAAP requirement is omitted. However, the FDIC has indicated that FDM as reported are insufficient to capture the full extent of the risk.

In the recent Assessments, Amendments to Incorporate Troubled Debt Restructuring Accounting Standards Update, the FDIC asserts that restructured loans represent an elevated credit risk captured using the FDM designation as proxy, as addressed above, but also states:

> "Furthermore, such elevated credit risk is not necessarily eliminated within a given time frame, such as a 12-month period." [10]

This indicates that the purpose of the additional non-GAAP requirement appears to be isolated to measuring an incremental risk component for the large or highly complex bank assessment scorecard and any other purpose is unclear.

---

[8] https://www.govinfo.gov/content/pkg/FR-2022-10-24/pdf/2022-22986.pdf
[9] 21 76 FR at 10688 (Feb. 25, 2011) https://www.govinfo.gov/content/pkg/FR-2011-02-25/pdf/2011-3086.pdf
[10] https://www.govinfo.gov/content/pkg/FR-2022-10-24/pdf/2022-22986.pdf

4. Additional Concerns

The ABA also has the following additional concerns:

A. The additional non-GAAP requirement will disincentivize credit loss mitigation activities.

While we believe the Banking Agencies do not intend to penalize banks for helping customers, a troubling effect of the additional non-GAAP requirement would be to impose higher FDIC assessments on banks that are most active in working with customers on modifications due to higher values for the "underperforming asset" or higher-risk assets" ratios in the FDIC Assessment Score card. Effectively penalizing banks with higher assessments would also seem to be at odds with the intent of the recent proposal from the FDIC, along with the Office of the Comptroller of the Currency and National Credit Union Administration, recently updated policy statement for prudent commercial real estate loan accommodations and workouts "builds on existing supervisory guidance calling for financial institutions to work prudently and constructively with creditworthy borrowers during times of financial stress." [11]

B. There is insufficient time to implement the additional non-GAAP requirement by March 31, 2024.

The burdens including the added wholly new processes and system requirements outlined in the above section "The additional non-GAAP requirement is a wholly new concept, creates significant additional costs and results in skewed data with lower data quality than GAAP as reported." will take significantly more time than available. This issue would be largely solved if the additional non-GAAP requirement is omitted.

C. Banking Agencies should confirm there is no scope difference between Call Report disclosure and GAAP.

Banking Agencies should incorporate into the call report instructions the scope of limitations regarding modification types to be reported as FDMs per U.S. GAAP. Specifically, to only report modifications to principal forgiveness, an interest rate reduction, an other-than-insignificant payment delay, or a term extension (or a combination thereof).[12]

D. Additional clarification or Call Report corrections are needed to successfully implement the definition of Past Due as proposed.

While a consistent definition of past due may address some disparities in practice, the definition does not fit all circumstances. The Banking Agencies should maintain flexibility to avoid

[11] FDIC, Federal Reserve Board, Office of the Comptroller of the Currency and National Credit Union Administration, "Policy Statement on Prudent Commercial Real Estate Loan Accommodations and Workouts," available at https://www.fdic.gov/news/financial-institution-letters/2023/fil23034a.pdf

[12] ASC 310-10-50-42

unintended consequences the definition may have on facts and circumstances that are not contemplated in the Proposal. For example, ABA has identified examples where further clarification or correction in the call report instructions are needed:

- The Banking Agencies should clarify that loans in the process of restructuring that are in good standing and all payments have been made. For example, how would a loan system even identify the loan as past due if all payments are made?
- Additionally Banking agencies should clarify or correct the instructions to clarify the treatment of loans in forbearance or loans on payment deferral.

Overall, ABA does not see any incremental utility, only lost benefits, to the regulators by requiring reporting of FDMs for a period longer than GAAP would require. This would introduce significant cost, complexity, and operational risk to our regulatory reporting process. Reporting a loan longer than the GAAP requirement would not be a benchmark for regulators to monitor credit quality. Further, the method and timing of credit evaluations will vary across entities resulting in inconsistent reporting for similar transactions and reducing the utility of FDM data. Therefore, the additional non-GAAP requirement must be removed.

Thank you for considering these comments. If you need additional information or have questions, please contact me (jstein@aba.com; 202-663-5318).

Sincerely,

Joshua Stein