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SUPREME COURT OF THE UNITED STATES

No. 92–1196

WALDEMAR RATZLAF AND LORETTA RATZLAF, PETITIONERS *v.* UNITED STATES

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[January 11, 1994]

JUSTICE GINSBURG delivered the opinion of the Court.

Federal law requires banks and other financial institutions to file reports with the Secretary of the Treasury whenever they are involved in a cash transaction that exceeds $10,000. 31 U. S. C. §5313; 31 CFR §103.22(a) (1993). It is illegal to "structure" transactions—*i.e.*, to break up a single transaction above the reporting threshold into two or more separate transactions—for the purpose of evading a financial institution's reporting requirement. 31 U. S. C. §5324. "A person willfully violating" this antistructuring provision is subject to criminal penalties. §5322. This case presents a question on which Courts of Appeals have divided: Does a defendant's purpose to circumvent a bank's reporting obligation suffice to sustain a conviction for "willfully violating" the antistructuring provision?[1] We

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[1]Compare, *e.g.*, *United States* v. *Scanio*, 900 F. 2d 485, 491 (CA2 1990) ("proof that the defendant knew that structuring is unlawful" is not required to satisfy §5322's willfulness requirement), with *United States* v. *Aversa,* 984 F. 2d 493, 502 (CA1 1993) (en banc) (a "willful action" within the meaning of §5322(a) "is one committed in violation of a known legal duty or in consequence of a defendant's reckless disregard of such a duty").

hold that the "willfulness" requirement mandates something more. To establish that a defendant "willfully violat[ed]" the antistructuring law, the Government must prove that the defendant acted with knowledge that his conduct was unlawful.

On the evening of October 20, 1988, defendant-petitioner Waldemar Ratzlaf ran up a debt of $160,000 playing blackjack at the High Sierra Casino in Reno, Nevada. The casino gave him one week to pay. On the due date, Ratzlaf returned to the casino with cash of $100,000 in hand. A casino official informed Ratzlaf that all transactions involving more than $10,000 in cash had to be reported to state and federal authorities. The official added that the casino could accept a cashier's check for the full amount due without triggering any reporting requirement. The casino helpfully placed a limousine at Ratzlaf's disposal, and assigned an employee to accompany him to banks in the vicinity. Informed that banks, too, are required to report cash transactions in excess of $10,000, Ratzlaf purchased cashier's checks, each for less than $10,000 and each from a different bank. He delivered these checks to the High Sierra Casino.

Based on this endeavor, Ratzlaf was charged with "structuring transactions" to evade the banks' obligation to report cash transactions exceeding $10,000; this conduct, the indictment alleged, violated 31 U. S. C. §§5322(a) and 5324(3). The trial judge instructed the jury that the Government had to prove defendant's knowledge of the banks' reporting obligation and his attempt to evade that obligation, but did not have to prove defendant knew the structuring was unlawful. Ratzlaf was convicted, fined, and sentenced to prison.[2]

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[2]Ratzlaf's wife and the casino employee who escorted Ratzlaf to area banks were codefendants. For convenience, we refer only to Waldemar Ratzlaf in

Ratzlaf maintained on appeal that he could not be convicted of "willfully violating" the antistructuring law solely on the basis of his knowledge that a financial institution must report currency transactions in excess of $10,000 and his intention to avoid such reporting. To gain a conviction for "willful" conduct, he asserted, the Government must prove he was aware of the illegality of the "structuring" in which he engaged. The Ninth Circuit upheld the trial court's construction of the legislation and affirmed Ratzlaf's conviction. 976 F. 2d 1280 (1992). We granted certiorari, 507 U. S. ___ (1993), and now conclude that, to give effect to the statutory "willfulness" specification, the Government had to prove Ratzlaf knew the structuring he undertook was unlawful. We therefore reverse the judgment of the Court of Appeals.

Congress enacted the Currency and Foreign Transactions Reporting Act (Bank Secrecy Act) in 1970, Pub. L. 91–2508, Tit. II, 84 Stat. 1118, in response to increasing use of banks and other institutions as financial intermediaries by persons engaged in criminal activity. The Act imposes a variety of reporting requirements on individuals and institutions regarding foreign and domestic financial transactions. See 31 U. S. C. §§5311–5325. The reporting requirement relevant here, §5313(a), applies to domestic financial transactions. Section 5313(a) reads:

> "When a domestic financial institution is involved in a transaction for the payment, receipt, or transfer of United States coins or currency (or other monetary instruments the Secretary of the Treasury prescribes), in an amount, denomination, or amount and denomination, or

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this opinion.

> under circumstances the Secretary prescribes by regulation, the institution and any other participant in the transaction the Secretary may prescribe shall file a report on the transaction at the time and in the way the Secretary prescribes. . . ."[3]

To deter circumvention of this reporting requirement, Congress enacted an antistructuring provision, 31 U. S. C. §5324, as part of the Money Laundering Control Act of 1986, Pub. L. 99-570, Tit. I, Subtit. H, §1354(a), 100 Stat. 3207-22.[4] Section 5324,[5] which

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[3]By regulation, the Secretary ordered reporting of "transaction[s] in currency of more than $10,000." 31 CFR §103.22(a) (1993). Although the Secretary could have imposed a report-filing requirement on "any . . . participant in the transaction," 31 U. S. C. §5313(a), the Secretary chose to require reporting by the financial institution but not by the customer. 31 CFR §103.22(a) (1993).

[4]Other portions of this Act make "money laundering" itself a crime. See Pub. L. 99–570, Title XIII, §1352(a), 100 Stat. 3207–18, codified at 18 U. S. C. §1956(a)(2)(b) (prohibiting various transactions involving the "proceeds of some form of unlawful activity"). The Government does not assert that Ratzlaf obtained the cash used in any of the transactions relevant here in other than a lawful manner.

[5]Subsequent to Ratzlaf's conviction, Congress recodified §5324(1)-(3) as §5324(a)(1)-(3), without substantive change. In addition, Congress added subsection (b) to replicate the prohibitions of subsection (a) in the context of international currency transactions. See Annunzio-Wylie Anti-Money Laundering Act, Pub. L. 102-550, Tit. XV, §1525(a), 106 Stat. 4064, 31 U. S. C. §5324 (1988 ed., Supp. IV). For simplicity, we refer to the codification in effect at the time the Court of Appeals decided this case.

Ratzlaf is charged with "willfully violating," reads:

> "No person shall for the purpose of evading the reporting requirements of section 5313(a) with respect to such transaction—
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> . . . . .
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> "(3) structure or assist in structuring, or attempt to structure or assist in structuring, any transaction with one or more domestic financial institutions."[6]

The criminal enforcement provision at issue, 31 U. S. C. §5322(a), sets out penalties for "[a] person willfully violating," *inter alia*, the antistructuring provision. Section 5322(a) reads:

> "A person willfully violating this subchapter [31 U. S. C. §5311 *et seq*.] or a regulation prescribed under this subchapter (except section 5315 of this title or a regulation prescribed under section 5315) shall be fined not more than $250,000, or imprisoned for not more than five years, or both."

Section 5324 forbids structuring transactions with a "purpose of evading the reporting requirements of section 5313(a)." Ratzlaf admits that he structured cash transactions, and that he did so with knowledge of, and a purpose to avoid, the banks' duty to report currency transactions in excess of $10,000. The statutory formulation (§5322) under which Ratzlaf was prosecuted, however, calls for proof of "willful[ness]" on the actor's part. The trial judge in

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[6]Regarding enforcement of §5324, the Secretary considered, but did not promulgate, a regulation requiring banks to inform currency transaction customers of the section's proscription. See 53 Fed. Reg. 7948 (1988) (proposing "procedures to notify [bank] customers of the provisions to Section 5324" in order to "insure compliance" with those provisions); 54 Fed. Reg. 20398 (1989) (withdrawing proposal).

Ratzlaf's case, with the Ninth Circuit's approbation, treated §5322(a)'s "willfulness" requirement essentially as surplusage—as words of no consequence.[7] Judges should hesitate so to treat statutory terms in any setting, and resistance should be heightened when the words describe an element of a criminal offense. See *Pennsylvania Dept. of Public Welfare* v. *Davenport,* 495 U. S. 552, 562 (1990) (expressing "deep reluctance" to interpret statutory provisions "so as to render superfluous other provisions in the same enactment") (citation omitted); cf. *Potter* v. *United States,* 155 U. S. 438, 446 (1894) (word "wilful" used to describe certain offenses but not others in same statute "cannot be regarded as mere surplusage; it means something").

"Willful," this Court has recognized, is a "word of many meanings," and "its construction [is] often . . . influenced by its context." *Spies* v. *United States,* 317 U. S. 492, 497 (1943). Accordingly, we view §§5322(a) and 5324(3) mindful of the complex of provisions in which they are embedded. In this light, we count it significant that §5322(a)'s omnibus "willfulness" requirement, when applied to other provisions in the same subchapter, consistently has been read by the Courts of Appeals to require both "knowledge of the reporting requirement" *and* a "specific intent to commit the crime," *i.e.,* "a purpose to disobey the law." See *United States* v. *Bank of New England, N. A.*, 821 F. 2d 844, 854–859 (CA1 1987) ("willful violation" of §5313's reporting requirement for cash transactions over $10,000 requires "voluntary, intentional, and bad purpose to disobey the law"); *United States* v. *Eisenstein,* 731 F. 2d 1540, 1543 (CA11 1984) ("willful violation" of

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[7]The United States confirmed at oral argument that, in its view, as in the view of the courts below, "the 5324 offense is just what it would be if you never had 5322." Tr. of Oral Arg. 23.

§5313's reporting requirement for cash transactions over $10,000 requires "`proof of the defendant's knowledge of the reporting requirement and his specific intent to commit the crime'" (quoting *United States* v. *Granda,* 565 F. 2d 922, 926 (CA5 1978))).

Notable in this regard are 31 U. S. C. §5314,[8] concerning records and reports on monetary transactions with foreign financial agencies, and §5316,[9] concerning declaration of the transportation of more than $10,000 into, or out of, the United States. Decisions involving these provisions describe a "willful" actor as one who violates "a known legal duty." See, *e.g.*, *United States* v. *Sturman,* 951 F. 2d 1466, 1476–1477 (CA6 1991) ("willful violation" of §5314's reporting requirement for foreign financial transactions requires proof of "`voluntary, intentional violation of a known legal duty'" (quoting *Cheek* v. *United States,* 498 U. S. 192, 201 (1991))); *United States* v. *Warren*, 612 F. 2d 887, 890 (CA5 1980) ("willful violation" of §5316's reporting requirement for transportation of currency across international boundaries requires that defendant "have *actually known* of the currency reporting requirement and have voluntarily and intentionally violated that known

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[8]Section 5314 provides that "the Secretary of the Treasury shall require a resident or citizen of the United States or a person in, and doing business in, the United States, to keep records, file reports, or keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency."

[9]Section 5316 requires the filing of reports prescribed by the Secretary of the Treasury when "a person or an agent or bailee of the person . . . knowingly (1) transports, is about to transport, or has transported, monetary instruments of more than $10,000 at one time" into, or out of, the United States.

legal duty"); *United States* v. *Dichne,* 612 F. 2d 632, 636 (CA2 1979) ("willful violation" of §5316's reporting requirement for transportation of currency across international boundaries requires proof of defendant's "`knowledge of the reporting requirement and his specific intent to commit the crime'" (quoting *Granda*, *supra*, at 926)); *Granda*, *supra*, at 924–926 (overturning conviction for "willful violation" of §5316 because jury was not given "proper instruction [that] would include some discussion of defendant's ignorance of the law" and rejecting Government's contention that the statutory provisions "do not require that the defendant be aware of the fact that he is breaking the law").[10]

A term appearing in several places in a statutory text is generally read the same way each time it appears. See *Estate of Cowart* v. *Nicklos Drilling Co.*, 505 U. S. ___, ___ (1992). We have even stronger cause to construe a *single* formulation, here §5322(a), the same way each time it is called into play. See *United States* v. *Aversa,* 984 F. 2d 493, 498 (CA1 1993) (en banc) ("Ascribing various meanings to a single iteration of [§5322(a)'s willfulness requirement] —reading the word differently for each code section to which it applies— would open Pandora's jar. If courts can render meaning so malleable, the usefulness of a single penalty provision for a group of related code sections will be eviscerated and . . . almost any code section that references a group of other code sections would become susceptible to individuated interpretation.").

The United States urges, however, that §5324 violators, by their very conduct, exhibit a purpose to do

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[10]"[S]pecific intent to commit the crime[s]" described in 31 U. S. C. §§5313, 5314, and 5316 might be negated by, *e.g.*, proof that defendant relied in good faith on advice of counsel. See *United States* v. *Eisenstein,* 731 F. 2d 1540, 1543–1544 (CA11 1984).

wrong, which suffices to show "willfulness":

> "On occasion, criminal statutes—including some requiring proof of `willfulness'—have been understood to require proof of an intentional violation of a known legal duty, *i.e.*, specific knowledge by the defendant that his conduct is unlawful. But where that construction has been adopted, it has been invoked only to ensure that the defendant acted with a wrongful purpose. See *Liparota* v. *United States*, 471 U. S. 419, 426 (1985) . . . .
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> "The anti-structuring statute, 31 U. S. C. §5324, satisfies the `bad purpose' component of willfulness by explicitly defining the wrongful purpose necessary to violate the law: it requires proof that the defendant acted with the purpose to evade the reporting requirement of Section 5313(a)." Brief for United States 23–25.

"`[S]tructuring is not the kind of activity that an ordinary person would engage in innocently,'" the United States asserts. *Id.*, at 29 (quoting *United States* v. *Hoyland,* 914 F. 2d 1125, 1129 (CA9 1990)). It is therefore "reasonable," the Government concludes, "to hold a structurer responsible for evading the reporting requirements without the need to prove specific knowledge that such evasion is unlawful." Brief for United States 29.

Undoubtedly there are bad men who attempt to elude official reporting requirements in order to hide from Government inspectors such criminal activity as laundering drug money or tax evasion.[11] But currency

[11] On brief, the United States attempted to link Ratzlaf to other bad conduct, describing at some length his repeated failure to report gambling income in his income tax returns. Brief for United States 5–7. Ratzlaf was not prosecuted, however, for these alleged misdeeds. Tr. of Oral Arg. 35–36. Nor has the Government ever asserted that Ratzlaf was engaged

structuring is not inevitably nefarious. Consider, for example, the small business operator who knows that reports filed under 31 U. S. C. §5313(a) are available to the Internal Revenue Service. To reduce the risk of an IRS audit, she brings $9,500 in cash to the bank twice each week, in lieu of transporting over $10,000 once each week. That person, if the United States is right, has committed a criminal offense, because she structured cash transactions "for the specific purpose of depriving the Government of the information that Section 5313(a) is designed to obtain." Brief for United States 28–29.[12] Nor is a person who structures a currency transaction invariably motivated by a desire to keep the Government in the dark. But under the Government's construction an individual would commit a felony against the United States by making cash deposits in small doses, fearful that the bank's reports would increase the likelihood of burglary,[13] or in an endeavor to keep a former spouse

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in other conduct Congress sought principally to check through the legislation in question—not gambling at licensed casinos, but laundering money proceeds from drug sales or other criminal ventures. See S. Rep. No. 99–433, p 1–2 (1986) (purpose of Act creating §5324 is to "provide Federal law enforcement agencies with additional tools to investigate money laundering [and to] curb the spread of money laundering, by which criminals have successfully disguised the nature and source of funds from their illegal enterprises").

[12]At oral argument, the United States recognized that, under its reading of the legislation, the entrepreneur in this example, absent special exemption, would be subject to prosecution. Tr. of Oral Arg. 32–34.

[13]See *United States* v. *Dollar Bank Money Market Account No. 1591768456*, 980 F. 2d 233, 241 (CA3 1992) (forfeiture action under 18 U. S. C. §981(a)(1)(A) [involving a cash gift deposited by the donee in

unaware of his wealth.[14]

Courts have noted "many occasions" on which persons, without violating any law, may structure transactions "in order to avoid the impact of some regulation or tax." *United States* v. *Aversa*, 762 F. Supp. 441, 446 (NH 1991), aff'd in part, 984 F. 2d 493 (CA1 1993). This Court, over a century ago, supplied an illustration:

> "The Stamp Act of 1862 imposed a duty of two cents upon a bank-check, when drawn for an amount not less than 20 dollars. A careful individual, having the amount of twenty dollars to pay, pays the same by handing to his creditor two checks of ten dollars each. He thus draws checks in payment of his debt to the amount of twenty dollars, and yet pays no stamp duty. . . . While his operations deprive the government of the duties it might reasonably expect to receive, it is not perceived that the practice is open to the charge of fraud. He resorts to devices to avoid the payment of duties, but they are not illegal. He has the legal right to split up his evidences of payment, and thus to avoid the tax." *United States* v. *Isham*, 17 Wall. 496, 506 (1873).

In current days, as an *amicus* noted, countless

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several steps to avoid bank's reporting requirement]; court overturned grant of summary judgment in Government's favor, noting that jury could believe donee's "legitimate explanations for organizing his deposits in amounts under $10,000," including respect for donor's privacy and fear that information regarding the donor—an "eccentric old woman [who] hid hundreds of thousands of dollars in her house"—might lead to burglary attempts).

[14]See *Aversa*, 984 F. 2d, at 495 (real estate partners feared that "paper trail" from currency transaction reports would obviate efforts to hide existence of cash from spouse of one of the partners).

taxpayers each year give a gift of $10,000 on December 31 and an identical gift the next day, thereby legitimately avoiding the taxable gifts reporting required by 26 U. S. C. §2503(b).[15] See Brief for National Association of Criminal Defense Lawyers as *Amicus Curiae* 16.

In light of these examples, we are unpersuaded by the argument that structuring is so obviously "evil" or inherently "bad" that the "willfulness" requirement is satisfied irrespective of the defendant's knowledge of the illegality of structuring. Had Congress wished to dispense with the requirement, it could have furnished the appropriate instruction.[16]

In §5322, Congress subjected to criminal penalties only those "willfully violating" §5324, signaling its intent to require for conviction proof that the defendant knew not only of the bank's duty to report cash transactions in excess of $10,000, but also of his duty not to avoid triggering such a report. There are, we recognize, contrary indications in the statute's

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[15]The statute provides that "[i]n the case of gifts . . . made to any person by [a] donor during [a] calendar year, the first $10,000 of such gifts to such person shall not . . . be included in the total amount of gifts made during such year." 26 U. S. C. §2503(b).

[16]Congress did provide for civil forfeiture without any "willfulness" requirement in the Money Laundering Control Act of 1986. See 18 U. S. C. §981(a) (subjecting to forfeiture "[a]ny property, real or personal, involved in a transaction . . . in violation of section 5313(a) or 5324(a) of title 31 . . ."); see also 31 U. S. C. §5317(a) (subjecting to forfeiture any "monetary instrument . . . being transported [when] a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement").

legislative history.[17] But we do not resort to legislative history to cloud a statutory text that is clear.[18] Moreover, were we to find §5322(a)'s "willfulness" requirement ambiguous as applied to §5324, we would resolve any doubt in favor of the defendant. *Hughey* v. *United States,* 495 U. S. 411, 422 (1990) (lenity principles "demand resolution of ambiguities in criminal statutes in favor of the defen-

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[17]The United States points to one of the Senate Reports accompanying the Money Laundering Control Act of 1986, which stated that "a person who converts $18,000 in currency to cashier's checks by purchasing two $9,000 cashier's checks at two different banks or on two different days with the specific intent that the participating bank or banks not be required to file Currency Transaction Reports for those transactions, would be subject to potential civil and criminal liability." S. Rep. No. 99–433, p. 22 (1986), cited in Brief for United States 35. The same Report also indicated that §5324 "would codify [*United States* v.] *Tobon-Builes*[, 706 F. 2d 1092 (CA11 1983)] and like cases [by] expressly subject[ing] to potential liability a person who causes or attempts to cause a financial institution to fail to file a required report or who causes a financial institution to file a required report that contains material omissions or misstatements of fact." S. Rep. No. 99–433, at 22, cited in Brief for United States 33.

But the legislative history cited by the United States is hardly crystalline. The reference to *United States* v. *Tobon-Builes*, 706 F. 2d 1092 (CA11 1983), is illustrative. In that case, the defendant was charged under 18 U. S. C. §1001, the False Statements Act, with "conceal[ing] . . . the existence, source, and transfer of approximately $185,200 in cash by purchasing approximately twenty-one cashier's checks in amounts less than $10,000 [and] using a variety of names, including false names . . . ." 706 F.

dant"); *Crandon* v. *United States*, 494 U. S. 152, 160 (1990) ("Because construction of a criminal statute must be guided by the need for fair warning, it is rare that legislative history or statutory policies will support a construction of a statute broader than that clearly warranted by the text."); *United States* v. *Bass*, 404 U. S. 336, 347–350 (1971) (rule of lenity premised on concepts that "`fair warning should be

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2d, at 1094. The defendant's "main contention," rejected by the Eleventh Circuit, was that he "could not have violated the concealment prohibition of §1001 because he was under no legal duty to report any of his cash transactions." *Id.*, at 1096. No "ignorance of the law" defense was asserted. Congress may indeed have "codified" that decision in §5324 by "expressly subject[ing] to potential liability a person who causes or attempts to cause a financial institution to fail to file a required report or who causes a financial institution to file a required report that contains material omissions or misstatements of fact," S. Rep. No. 99–433, p. 22 (1986), but it appears that Congress did so in the *first* and *second* subsections of §5324, which track the Senate Report language almost verbatim. See 31 U. S. C. §5324(1) (no person shall "cause or attempt to cause a domestic financial institution to fail to file a report required under section 5313(a)"); 31 U. S. C. §5324(2) (no person shall "cause or attempt to cause a domestic financial institution to file a report required under section 5313(a) that contains a material omission or misstatement of fact"). Indeed, the Senate Report stated that "*[i]n addition*" to codifying *Tobon-Builes*, §5324 would also "create the offense of structuring a transaction to evade the reporting requirements." S. Rep. No. 99–433, p. 22. The relevance of *Tobon-Builes* to the proper construction of §5324(3), the subsection under which Ratzlaf was convicted, is not evident.

given to the world in language that the common world will understand, of what the law intends to do if a certain line is passed'" and that "legislatures and not courts should define criminal activity") (quoting *McBoyle* v. *United States*, 283 U. S. 25, 27 (1931) (Holmes, J.)).

We do not dishonor the venerable principle that ignorance of the law generally is no defense to a criminal charge. See *Cheek* v. *United States*, 498 U. S. 192, 199 (1991); *Barlow* v. *United States*, 7 Pet. 404, 410–412 (1833) (Story, J.). In particular contexts, however, Congress may decree otherwise. That, we hold, is what Congress has done with

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[18]See *Barnhill* v. *Johnson*, 503 U. S. ___, ___ (1992) (appeals to legislative history are well taken only to resolve statutory ambiguity). See also *United States* v. *Aversa,* 984 F. 2d, at 499, n. 8 (commenting that legislative history of provisions here at issue "`is more conflicting than the [statutory] text is ambiguous,'" quoting *Wong Yang Sung* v. *McGrath*, 339 U. S. 33, 49 (1950)). As the First Circuit noted, no House, Senate, or Conference Report accompanied the final version of the Anti-Drug Abuse Act of 1986; instead, over 20 separate reports accompanied various proposed bills, portions of which were incorporated into that Act. See 1986 U. S. C. C. A. N. 5393 (listing reports).

The dissent, see *post*, at 12, features a House Report issued in 1991 in connection with an unenacted version of the Annunzio-Wylie Anti-Money Laundering Act. We do not find that Report, commenting on a bill that did not pass, a secure indicator of congressional intent at any time, and it surely affords no reliable guide to Congress' intent in 1986. See *Oscar Mayer & Co.* v. *Evans*, 441 U. S. 750, 758 (1979) (cautioning against giving weight to "history" written years after the passage of a statute).

respect to 31 U. S. C. §5322(a) and the provisions it controls. To convict Ratzlaf of the crime with which he was charged, violation of 31 U. S. C. §§5322(a) and 5324(3), the jury had to find he knew the structuring in which he engaged was unlawful.[19] Because the jury was not properly instructed in this regard, we reverse the judgment of the Ninth Circuit and remand this case for further proceedings consistent with this opinion.

It is so ordered.

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[19]The dissent asserts that our holding "largely nullifies the effect" of §5324 by "mak[ing] prosecution for structuring difficult or impossible in most cases." See *post,* at 14. Even under the dissent's reading of the statute, proof that the defendant knew of the bank's duty to report is required for conviction; we fail to see why proof that the defendant knew of his duty to refrain from structuring is so qualitatively different that it renders prosecution "impossible." A jury may, of course, find the requisite knowledge on defendant's part by drawing reasonable inferences from the evidence of defendant's conduct, see *Spies* v. *United States*, 317 U. S. 492, 499–500 (1943) (illustrating conduct that can support permissible inference of an "affirmative willful attempt" to evade a tax); *United States* v. *Bank of New England, N. A.*, 821 F. 2d 844, 854 (CA1 1987) (willfulness "is usually established by drawing reasonable inferences from the available facts"), and the Government has not found it "impossible" to persuade a jury to make such inferences in prosecutions for willful violations of §§5313, 5314, or 5316. See, *e.g.*, *United States* v. *Dichne*, 612 F. 2d 632, 636–638 (CA2 1979) (evidence that Government took "affirmative steps" to bring the reporting requirement to the defendant's attention by means of visual notices supports inference that defendant "willfully violated" §5316).