hackerone

October 27, 2025

Office of Science and Technology Policy
1650 Pennsylvania Ave NW,
Washington DC 20502

VIA ELECTRONIC SUBMISSION

Re: Regulatory Reform on Artificial Intelligence

Dear Ashley Lin,

HackerOne Inc. (HackerOne) submits the following comments in response to the Office of Science and Technology Policy's (OSTP) Request for Information (RFI) on Regulatory Reform on Artificial Intelligence.[1] HackerOne appreciates the opportunity to provide input and commends OSTP for its leadership in identifying and addressing regulatory barriers that may impede the development, deployment, and adoption of artificial intelligence (AI) technologies in the United States.

By way of background, HackerOne is a global leader in offensive security solutions. Our HackerOne Platform combines AI with the ingenuity of the largest community of security researchers to find and fix security, privacy, and AI vulnerabilities across the software development lifecycle. The platform offers bug bounty, vulnerability disclosure, pentesting, AI red teaming, and code security. We are trusted by industry leaders like Amazon, Anthropic, Crypto.com, General Motors, GitHub, Goldman Sachs, Uber, and the U.S. Department of Defense.

In these comments, we focus on the section titled: "Lack of Regulatory Clarity." As OSTP notes, in some circumstances, existing laws plausibly cover AI activities, but insufficient interpretive guidance, standards, or objective criteria leaves compliance, risk management, and enforcement uncertain. We highlight how this lack of clarity creates specific challenges for good-faith security researchers who test AI systems to identify risks beyond traditional cybersecurity vulnerabilities.

While these researchers play a critical role in strengthening the safety, accountability, and reliability of AI systems, they often operate in a legal gray area. Ambiguities under existing law, particularly the Computer Fraud and Abuse Act (CFAA), create significant uncertainty and can expose researchers to potential liability, even when their activities are conducted in good-faith.

[1] Office of Science and Technology Policy (OSTP), Request for Information: Regulatory Reform on Artificial Intelligence, Oct. 27, 2025
https://www.federalregister.gov/documents/2025/09/26/2025-18737/notice-of-request-for-information-regulatory-reform-on-artificial-intelligence

While the Department of Justice (DOJ) has issued a CFAA charging policy declining prosecution for good-faith security research,[2] the policy focuses narrowly on traditional cybersecurity testing. The rapid evolution of AI has expanded the types of responsible testing that are necessary for AI system trustworthiness, including assessments of unintended outcomes, toxic content, and other non-security harms. Because the current CFAA charging policy does not explicitly cover these forms of AI red teaming, researchers engaged in this important work remain exposed to legal risk.

HackerOne has previously urged the DOJ to amend its CFAA charging policy to explicitly include protections for good-faith AI research and testing that aims to uncover and mitigate non-security harms.[3] Such clarification would ensure that individuals and organizations engaged in these activities are not subject to prosecution under the CFAA, provided their actions are consistent with principles of good-faith research. Notably, the DOJ has previously recognized the importance of protecting legitimate research by supporting efforts to extend Section 1201 exemptions to good-faith researchers who test generative AI models to identify and mitigate bias.[4] However, no action has yet been taken to extend protections to broader AI trustworthiness and accountability research. We encourage OSTP to build upon this precedent by leading an interagency effort to establish clear legal protections and guidance for good-faith AI research. Providing such clarity would reduce legal uncertainty for researchers, allowing them to conduct responsible testing without fear of repercussions, lowering barriers to innovation, and promoting the safe and effective adoption of AI technologies.

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HackerOne thanks OSTP for the opportunity to contribute to promoting innovation and addressing regulatory barriers to AI adoption and appreciates your consideration of our comments. We strongly encourage OSTP to work with relevant agencies, including the DOJ, to provide clear legal protections so that researchers are empowered to conduct responsible testing of AI systems.

Respectfully Submitted,

Ilona Cohen
Chief Legal and Policy Officer
HackerOne

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[2] U.S. Department of Justice, Department of Justice Announces New Policy for Charging Cases under the Computer Fraud and Abuse Act, May 19, 2022, https://www.justice.gov/opa/pr/department-justice-announces-new-policy-charging-cases-under-computer-fraud-and-abuse-act.

[3] HackerOne, Letter to Department of Justice, April 16, 2024 (available at https://www.hackerone.com/sites/default/files/2025-02/HackerOne-Letter-to-DOJ-re-AI-Testing.pdf).

[4] Letter from John T. Lynch to Suzanne Wilson, April 15, 2024 (available at https://www.copyright.gov/1201/2024/USCO-letters/Letter%20from%20Department%20of%20Justice%20Criminal%20Division.pdf).