

## Hogan in Private Equity Law Report: DOL Proposal on Alternative Assets in 401(k) Plans

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**PRACTICES** Executive and Incentive Compensation, Plan Fiduciaries Counseling, Retirement Plans, Employee Benefits and Executive Compensation

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The U.S. Department of Labor’s proposed regulations outline how managers of employer-sponsored 401(k) plans and other participant-directed defined contribution plans can include alternative assets while satisfying ERISA’s requirements. Haynes Boone Counsel [Thomas Hogan](#) spoke with *Private Equity Law Report* about the proposal’s approach to incorporating private equity and other alternative assets into 401(k) plans.

Read an excerpt below:

*Although PE and other alternative assets are most likely to be included on 401(k) plan menus through TDFs, multi-asset allocation funds or managed accounts, that seems to diverge from the Executive Order, stated Haynes Boone counsel Thomas M. Hogan.*

*“The authors of the Executive Order were arguably considering the inclusion of individual PE investments and other alternative investments directly in 401(k) plans, but I just don’t see a path to that,” he continued. “It appears the DOL – if we are reading between the lines – has come to that conclusion based on all the different variables they need to consider, including related SEC guidance, fiduciary standards under ERISA and the fact that you cannot have conflicted advice or valuations.”*

Read the full article from the *Private Equity Law Report* [here](#).