

## DOL Letter Paves Way for Including Private Equity in 401(k) Plans

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The U.S. Department of Labor has issued an [information letter](#) confirming its concurrence that the fiduciary rules under ERISA do not preclude 401(k) and other participant-directed retirement plans from offering participants investment choices that provide exposure to private equity funds. The letter is a first step to getting the market more comfortable with developing products to introduce private equity investment alternatives to 401(k) platforms. While the letter provides plan fiduciaries with the added comfort of the Department's imprimatur on the basic fiduciary issue involving these products, plan fiduciaries will still need to consider the fit and flexibility of these products for their 401(k) investment menu.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

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