



## Insight

# When Your 401(k) Allows Exotic Assets

THOMAS KINGSLEY | DECEMBER 3, 2025

## Executive Summary

- President Trump issued an executive order that marks a decisive shift in retirement policy—directing regulators to ease restrictions on alternative assets in 401(k)s, potentially opening to everyday savers “exotic” assets including private equity, private credit, real estate, and digital-asset vehicles.
- This policy guidance could reshape both product design and capital flows, prompting asset managers to create retirement-compatible private-market vehicles while raising concerns about illiquidity, opaque valuation practices, high fees, and the suitability of such assets for participants nearing retirement.
- The long-term ramifications hinge on regulatory execution: Done well, the shift could democratize access to higher-growth markets and redirect capital toward productive investments; done poorly, it could introduce new systemic risks and undermine the safeguards that underpin the U.S. retirement system.

## Introduction

It is rare for an executive order (EO) to ripple so quickly through the retirement landscape, and rarer still for one to unsettle long-standing assumptions about how ordinary workers invest for their futures. Yet President Trump’s August 2025 [directive](#), intended to “democratize access to alternative assets” within 401(k) plans, has done precisely that. Assets once reserved almost exclusively for institutions and high-net-worth elites may soon appear in the portfolios of everyday savers. “Exotic” assets such as private equity, private credit, real estate, digital-asset vehicles, commodities, and a range of other non-traditional

instruments are being pulled from the institutional realm into the defined-contribution world.

For decades, 401(k) fiduciaries adhered to a conservative orthodoxy that limited retirement portfolios to public equities, fixed income, and cash equivalents. This was not simply habit; the legal incentives encouraged liquidity, transparency, and price discoverability. Exotic assets, with their opacity, valuation challenges, and often-heavy fees, have long been seen as incompatible with the risk standards that govern retirement plans. This EO challenges that premise by directing the Department of Labor (DOL) to revisit its earlier guidance and consider safe harbors (legal provisions that protect individuals or organizations from liability for activity that would otherwise be illegal) that could allow plan sponsors to offer a broader array of options without assuming prohibitive litigation risk. By framing the issue as one of fairness—Why should institutional investors access high-return private markets while workers cannot?—the administration has shifted a technical regulatory debate into a broader economic one. High-return private markets, however, necessarily involve meaningful risk: illiquidity, high fees, opaque valuation methods, and potential for underperformance.

## **The Current Landscape: Exotic Assets Meet Main Street**

For decades, 401(k) participants have been offered what amounts to a conservative menu: a mix of public equities, fixed income, and cash or cash-equivalents. By contrast, institutional investors—including large pension funds or endowments—have had access to a broader, higher-return universe: private equity, real estate, private credit, infrastructure, and even digital assets.

These “alternative” or “exotic” assets are now poised to migrate from elite institutional portfolios into the accounts of everyday workers. The EO explicitly defines alternative assets to include:

1. **Private market investments**, e.g., unlisted equity or debt.
2. **Real estate**, both direct and via debt instruments.
3. **Actively managed digital asset vehicles**, e.g., crypto or funds built to operate on blockchain.
4. **Commodities**, infrastructure investments, and even longevity pools (vehicles used to manage the risk associated with retirees living longer than expected).

Fiduciaries under the Employee Retirement Income Security Act ([ERISA](#)), the federal law that governs many retirement plans, have long been cautious. Risk, liquidity constraints,

valuation opacity, and litigation fears all weighed heavily on decisions, usually directing fiduciaries to the safest waters. The Trump EO seeks to recalibrate that caution: It instructs the DOL to revisit its guidance, to clarify fiduciary duties, and to design “safe harbors” so plan sponsors can more confidently offer these vehicles.

## **The Implications of the Trump Executive Order**

### *Democratization of Access*

Framed in the White House [fact sheet](#) as a democratizing move, the order is pitched as leveling the playing field: More Americans, not just the wealthy, can now potentially gain access to returns that were once the province of big institutional investors. That said, the assets in question carry meaningful risk: illiquidity, high fees, opaque valuation methods, and potential for underperformance. For retirement savers, especially those far from retirement, the trade-off may be compelling; for those close to retirement, less so.

### *Supervisory Realignment and Litigation Risk*

By directing the DOL to reexamine guidance and potentially rescind prior restrictive stances, the EO could significantly reduce the legal overhang that has historically discouraged sponsors from offering alternative assets. Plan fiduciaries often face lawsuits claiming imprudence when they deviate from standard liquid investments; a recalibrated regulatory framework could blunt that threat. The DOL is being asked to consult with the Securities and Exchange Commission (SEC), the Treasury Department, and other agencies to harmonize rules across domains.

### *Product Innovation and Alignment of Incentives*

Private equity and alternative managers have long sought access to the enormous pool of 401(k) capital. This order may be the key. We’re already seeing [major players respond](#): Goldman Sachs and T. Rowe Price, for instance, announced plans to launch retirement products offering exposure to alternatives. For them, this is not just a new product line but a potential multi-trillion-dollar structural inflow.

## **Economic and Policy Ramifications: What Could Go Wrong and What Might Go Right?**

The growing flow of defined-contribution savings into illiquid private markets has the potential to supercharge private equity, infrastructure, and real estate investment, redirecting capital toward long-duration projects that support productive economic growth. For retirees, broader access to alternative assets could also provide meaningful

diversification and higher return potential, improving long-term retirement outcomes. At the same time, better regulatory coordination across the DOL, SEC, and Treasury could enable new financial vehicles—such as tokenized structures and improved liquidity mechanisms—that open previously exclusive investment strategies to a wider range of retail participants.

Expanding retirement plans into illiquid private assets carries several risks: Although retirement savings are long term, individuals still need access, creating potential liquidity mismatches if funds are locked up and plan sponsors face redemption pressure. Private assets are also harder to value and less transparent, exposing retail savers to pricing distortions, hidden fees, or other abuses without strong oversight. As regulators revise the rules, gaps between SEC and DOL frameworks could invite regulatory arbitrage and shift risks onto individual participants. There is also a behavioral challenge, as many 401(k) savers lack the sophistication to avoid chasing “hot” strategies such as crypto or private credit, leaving them vulnerable to losses. Finally, if a significant share of retirement capital flows into high-risk, illiquid vehicles, a downturn in private markets could threaten retirement security and potentially amplify broader systemic vulnerabilities.

## **Strategic Takeaways**

*For asset managers:* The EO provides a once-in-a-generation opening. Firms that can build scalable, transparent private-asset vehicles for defined-contribution clients stand to win big. But success will depend on thoughtful product design—balancing liquidity, fees, and risk—and investor education.

*For plan sponsors:* Fiduciary risk must be managed. Even with safe harbors, sponsors must carefully vet managers, build appropriate oversight, and align with long-term participant goals. They will need to decide how much of their default or target-date menus should tilt into alternatives.

*For regulators/policymakers:* The EO is a test case: how to democratize access to potentially high-reward asset classes without sacrificing the protective guardrails that underpin retirement security. The DOL, SEC, and Treasury will need to walk a fine line.

*For investors/participants:* This is not a free call to bet the farm on crypto. Those approaching retirement need to be cautious; younger investors might consider a modest allocation, but only with a clear understanding of the risks.

## **Conclusions**

President Trump’s executive order is not merely a regulatory tweak—it is a pivot. It signals a decisive shift in how we think about retirement capitalism. For private-asset managers, it

is a seismic opportunity. For workers, it could be a chance at more expansive growth—but only if the risks are managed, the education is real, and the regulatory framework is robust. Missteps could jeopardize not just returns, but the very stability of retirement investing as we know it. The coming months will reveal whether this is a democratizing masterstroke or a risky re-wiring of the retirement system.